

BOARD OF SUPERVISORS

MINUTES

May 23, 2007

Supervisors in Attendance:

Mr. Kelly E. Miller, Chairman
Mrs. Renny B. Humphrey, Vice Chrm.
Mr. R. M. "Dickie" King, Jr.
Mr. Donald D. Sowder
Mr. Arthur S. Warren

Mr. Lane B. Ramsey
County Administrator

Staff in Attendance:

Colonel Carl R. Baker,
Police Department
Mr. George Braunstein,
Exec. Dir., Community
Services Board
Mr. Kevin Bruny, Dean
Chesterfield University
Mr. Allan Carmody, Dir.,
Budget and Management
Ms. Jana Carter, Dir.,
Juvenile Services
Ms. Marilyn Cole, Asst.
County Administrator
Mr. Roy Covington, Dir.,
Utilities
Ms. Mary Ann Curtin, Dir.,
Intergovtl. Relations
Mr. Charles Dane, Dir.,
External Services
Mr. Will Davis, Dir.,
Economic Development
Ms. Rebecca Dickson, Dep.
County Administrator for
Human Services
Ms. Lisa Elko, CMC,
Clerk
Ms. Karla Gerner, Dir.,
Human Resource Mgmt.
Mr. Michael Golden, Dir.,
Parks and Recreation
Mr. John W. Harmon,
Right-of-Way Manager
Mr. Thomas E. Jacobson,
Dir., Revitalization
Ms. Kathryn Kitchen, Asst.
Supt. of Schools for
Business and Finance
Ms. Mary Lou Lyle, Dir.,
Accounting
Chief Paul Mauger,
Fire Department
Mr. R. John McCracken,
Dir., Transportation
Mr. Richard M. McElfish,
Dir., Env. Engineering
Mr. Steven L. Micas,
County Attorney
Mr. Francis Pitaro, Dir.,
General Services
Ms. Sarah Snead, Dir.,
Social Services

Mr. James J. L. Stegmaier,
Deputy Co. Admin.,
Management Services
Mr. M. D. Stith, Jr.,
Deputy Co. Admin.,
Community Development
Mr. Kirk Turner, Dir.,
Planning

Mr. Miller called the regularly scheduled meeting to order at 3:04 p.m.

1. APPROVAL OF MINUTES FOR APRIL 25, 2007

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved the minutes of April 25, 2007, as submitted.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

2. COUNTY ADMINISTRATOR'S COMMENTS

2.A. REPORT FROM SUBSTANCE ABUSE FREE ENVIRONMENT, INCORPORATED

Mr. Wayne Frith, Executive Director of Substance Abuse Free Environment, Incorporated (SAFE) introduced Ms. Kate Doyle, a senior at James River High School and Chair of the Underage Drinking Task Force, to provide details of the task force's report.

Ms. Doyle stated the task force was created as a result of responses to a survey that was distributed to students in grades 8-12 to learn about the issue of underage drinking. She provided details of the alarming results of an informal questionnaire distributed by the task force at youth events sponsored by the county and of compliance checks performed at local businesses by underage members of the task force. She also provided details of her personal experiences while participating in underage compliance checks.

Mr. Frith stated the intent of the task force's recommendations is to create an environment so that it perfectly clear to every retail merchant, every citizen, and every young person in Chesterfield County, that there is an attitude of intolerance toward underage drinking. He then reviewed the recommendations of the task force: 1) build partnerships with county merchants to determine how to reduce the sale of alcohol to underage buyers; 2) explore ways to increase accountability for adults; 3) find ways to communicate information to the Police Department about the sale of beer in kegs; 4) explore programs that would discourage underage drinking on weekends; 5) continue to gather information from the youth population regarding the issue; and 6) continue to partner with the Police Department with underage compliance checks. He invited Board members to assist SAFE in addressing the recommendations of the task force.

In response to Mr. King's questions, Mr. Frith stated the Virginia Alcoholic Beverage Control Board partnered with SAFE

in this effort by providing the funding for the entire project. He further stated the ABC Board administers compliance checks to merchants that are randomly selected from a computer database. He stated SAFE is proposing to collect information for targeted underage compliance checks. He further stated the ABC Board has determined that the rate of noncompliance in Chesterfield is better than the state average.

Mr. King suggested an advertisement listing the merchants who are not in compliance and offered to assist SAFE in any way that he can.

Mr. Warren congratulated Mr. Frith on SAFE's efforts in the area of underage drinking awareness.

Discussion ensued relative to an incident and pending lawsuit in Henrico County that has raised community awareness of the issue of underage drinking and penalties associated with it.

Mr. Miller applauded SAFE's efforts. He expressed concerns relative to children seeing their parents drinking in the home, the glorification of drinking through entertainment, and colleges and universities not punishing students for drinking.

Mr. Frith stated SAFE is very much aware that parents send the strongest message about drinking, and this is the greatest audience that the task force wants to reach. He further stated parents should understand that, although alcohol is seen as a recreational supplement, it is, in fact, a dangerous and addictive drug.

Mr. Ramsey commended Mr. Frith and the SAFE Board for focusing on what can be done in the county to address the underage drinking issue.

2.B. CHESTERFIELD COUNTY'S SECOND ANNUAL ENVIRONMENTAL FAIR PRESENTATION

Mr. Pitaro provided details of the success of the county's second annual Environmental Fair held on April 21, 2007 inside Chesterfield Towne Center. He stated 267 residents recycled 26,000 pounds of electronics equipment at the fair, and ten residents signed up for the Adopt-A-Spot Program.

"Clarabelle Clean-Up" (Ms. Pam Cooper) presented Board members with mementos from the fair with environmental messages.

2.C. RECOGNITION OF FOSTER CARE MONTH AND A PRESENTATION ON PRIDE

Ms. Snead informed the Board that May has been designated as "Foster Care Month" in Virginia. She introduced Mr. Scott Gilchrist, Permanency Team Supervisor, to provide details of the county's Foster Care Program. She expressed appreciation to all of the county's foster parents for their caring and dedication.

Mr. Gilchrist provided details of the county's Foster Care Program. He stated the average population in foster care in Chesterfield and Colonial Heights is currently 150-160 children. He reviewed foster care population by age and by placement. He provided details of the Adoption and Safe Families Act of 1997. He discussed PRIDE (Parent Resources for Development and Education) training and foster/resource family competencies. He reviewed predictors of increasing reunification; PRIDE requirements; the PRIDE curriculum; and Year 2006 PRIDE training results.

Mr. Miller commended Mr. Gilchrist on his dedication to the children of Chesterfield County.

UPPER SWIFT CREEK PLAN AMENDMENT CLARIFICATION

Mr. Ramsey referenced a recent newspaper article, which indicated that the proposed Upper Swift Creek Plan includes higher taxes. He clarified that the Plan in its current draft does not include a recommendation for creating a transportation district in the Upper Swift Creek area.

Mr. Turner came forward and stated the Plan does not include a recommendation for a tax rate increase to support transportation improvements. He further stated, in preparing a comprehensive plan, staff performs background investigation and discussions with Planning Commissioners and residents of the community regarding their vision for the plan, which is captured in supplements. He noted that there is a package of supplements that accompanies the Upper Swift Creek Plan documenting all of the background work that staff has done, some of which is recommended in the Plan and some of which is not. He reiterated that, in this case, the Plan does not include a recommendation for a tax district or a tax rate increase.

GODSPEED EVENT UPDATE

Ms. Dickson provided details of the success of the Godspeed event at Henricus Park. She stated between 15,000-18,000 people visited Henricus during the four days the Godspeed was at the park. She further stated approximately 1,000 school children from Henrico and Chesterfield visited the park on Monday and Tuesday. She stated the attendance was astounding at Henricus Park, which has been described by Ms. Pauline Mitchell, Chairman of the Henricus Board, as "the region's best kept secret." She noted that at the same time the county was hosting these visitors, it also hosted a five-member government delegation from Gravesham, England and 16 members of the Gravesham twinning delegation. She expressed appreciation to the Henricus Foundation, Chesterfield's partners at Henrico County, Dominion Virginia Power and Chesterfield County employees, and host families for their support of these events.

Mr. Warren stated the event was fantastic, and staff participation was overwhelming. He inquired whether there are any future plans for schoolchildren to experience the history of Chesterfield County and of the Native Americans.

Mr. Ramsey stated schoolchildren from the region routinely visit Henricus. He further stated this event has increased the awareness of Henricus Park, and he expects to see many more schoolchildren visiting Henricus on field trips in the future. He stated the event provided the county with an opportunity to establish a new relationship with the Virginia Indians, and staff looks forward to involving them in future events.

Mr. Warren stated, after visiting Jamestown for two days, he thinks Henricus did a better job of involving individuals to explain historical details to citizens and children. He further stated the progress that has been made at Henricus is amazing.

Mr. Sowder stated he was very impressed with the event at Henricus, which demonstrated that Chesterfield played a significant part in the region's history.

Mrs. Humphrey stated she was most impressed with the spectacular view of the Godspeed as it came around the bend of the James River. She stated county staff did a fantastic job with the event.

3. BOARD MEMBER REPORTS

There were no Board member reports at this time.

4. REQUESTS TO POSTPONE AGENDA ITEMS AND ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board added Item 8.B.20., Initiation of an Application to Rezone the Winchester Forest Site; added Item 13.B., Closed Session Pursuant to Section 2.2-3711(A)(1), Code of Virginia, 1950, as Amended, to Discuss the Nominee of the Police Chief Selection Committee to the Position of Chief of Police; replaced Item 16.D., Public Hearing to Consider an Ordinance to Establish the "Cedar Crest Sewer Assessment District" for Five Lots in the Englewood and Saint Johns Woods Subdivisions; replaced Item 16.H., Public Hearing to Consider the Exercise of Eminent Domain for the Acquisition of Water and Temporary Construction Easements for the Southwest Corridor Waterline Project - Part B; replaced Item 16.I., Public Hearing to Consider the Exercise of Eminent Domain for the Acquisition of Water and Temporary Construction Easements for the Southwest Corridor Waterline Project - Part A; and adopted the Agenda as amended.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

5. RESOLUTIONS

5.A. RECOGNIZING COMCAST CABLEVISION FOR A DONATION TOWARDS THE 2007 "CHESTERFIELD CELEBRATES" CAMPAIGN BY CHESTERFIELD COUNTY PARKS AND RECREATION DEPARTMENT

Mr. Golden introduced Mr. Kenneth Dye and Ms. Monica Callaghan, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Parks and Recreation Department provides wholesome, family activities for the enjoyment of county residents; and

WHEREAS, the annual Fourth of July Celebration, Richmond Symphony concerts at Pocahontas Park, and Parade of Lights are among the free events that offer entertainment to citizens of all ages; and

WHEREAS, Comcast Metro Richmond has continued to provide a generous donation to be used by the Parks and Recreation Department towards the 2007 "Chesterfield Celebrates" campaign; and

WHEREAS, this donation is a major component toward the enhancement of the special events funded through this campaign; and

WHEREAS, Comcast Metro Richmond continues to give back to the Chesterfield community through their sponsorship; and

WHEREAS, through the cooperative efforts of Mr. Kirby Brooks, Area Vice President and General Manager, and Mr. Kenneth M. Dye, Director Government Affairs and Community Affairs, the spirit of community/private partnerships has provided the department with increased awareness to explore similar opportunities for other programs; and

WHEREAS, Chesterfield County greatly appreciates this donation and is looking forward to continuing a strong relationship with Comcast Metro Richmond.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 23rd day of May 2007, publicly recognizes Comcast Metro Richmond for its generous contribution toward the 2007 "Chesterfield Celebrates" campaign.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Comcast Metro Richmond and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

Mr. Warren presented the executed resolution to Mr. Dye, accompanied by Ms. Callaghan, and Mr. Dave Caras, Community Recreation Manager with the Parks and Recreation Department, and expressed appreciation for Comcast Metro Richmond's generous donation, as well as the numerous contributions they provide to the county.

Mr. Dye expressed appreciation to the Board for the recognition and stated he hopes that Comcast employees were able to contribute to the events at Henricus last weekend by volunteering last fall to clean up and rebuild trails at the park.

5.B. RECOGNIZING POLICE DEPARTMENT CHAPLAIN BOB FLOYD UPON HIS RETIREMENT AND FOR HIS MANY YEARS OF SERVICE TO THE DEPARTMENT AND TO THE RESIDENTS OF CHESTERFIELD COUNTY

Colonel Baker introduced Chaplain Bob Floyd, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, law enforcement is a difficult and challenging profession that sometimes must deal with situations that are highly emotionally charged; and

WHEREAS, these situations can involve accidents, serious injury or death of members of the community, criminals and suspects, and law enforcement personnel; and

WHEREAS, in such circumstances, the strength, support and counsel of a chaplain can bring great comfort to those affected by the injury or loss; and

WHEREAS, Chaplain Bob Floyd has served as a volunteer with the Chesterfield County Police Department for more than 15 years in the capacity of police chaplain; and

WHEREAS, Chaplain Floyd has assisted many individuals and families in their greatest time of need, especially in the loss of a loved one; and

WHEREAS, additionally, Chaplain Floyd has served as a counselor for police families and has also served as the chaplain and mentor to many police recruits; and

WHEREAS, during 2006 alone, Chaplain Floyd volunteered hundreds of hours in order to provide needed services; and

WHEREAS, Chaplain Floyd also is the volunteer external sponsor of the Vietnam Veterans of America, Powhatan Incarcerated Chapter, 682, and as such, provides chaplain services to veterans who are incarcerated at Powhatan and Deerfield facilities; and

WHEREAS, in October 2006, Chaplain Floyd was selected by Chesterfield County to act as Presidential Greeter, and he and his wife, Jean, met President Bush at Richmond Airport, where Chaplain Floyd was presented with the President's Volunteer Service Award; and

WHEREAS, Chaplain Floyd was inducted into the Chesterfield Senior Hall of Fame on October 26, 2006; and

WHEREAS, Chaplain Floyd has announced his retirement as a police chaplain.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 23rd day of May 2007, publicly recognizes Chaplain Bob Floyd and extends, on behalf of all Chesterfield County residents, sincere appreciation for his many years of selfless service to others, gratitude for the comfort he has brought to many individuals and families in very difficult and trying times, and best wishes to Chaplain Floyd and his wife, Jean, for a long and happy retirement.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Chaplain Floyd, and that this resolution be recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

Mrs. Humphrey presented the executed resolution to Chaplain Floyd, accompanied by his wife and Colonel Baker, thanked him for his many years of service to the Police Department and to the residents of Chesterfield County, and congratulated him on his retirement.

Chaplain Floyd thanked the Board for the recognition and stated he has been blessed by his association with the Chesterfield County Police Department.

Mr. Warren excused himself from the meeting.

5.C. RECOGNIZING THE ETTRICK NEIGHBORHOOD AND BUSINESS FOUNDATION, VIRGINIA STATE UNIVERSITY, THE RUDI JOHNSON FOUNDATION, THE ETTRICK HISTORICAL SOCIETY, MR. R. L. DUNN AND THE FRIENDS OF ETTRICK SOCIETY FOR THEIR CONTRIBUTIONS AND PARTICIPATION IN THE ETTRICK CLEAN UP DAY MAY 5, 2007

Mr. Stith introduced Mr. Harold Himes, representing the Ettrick Historical Society, Dr. Robert Turner, representing Virginia State University, and Mr. R. L. Dunn, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Board of Supervisors is committed to addressing concerns about visual blight and sustainability in our community, especially in our older neighborhoods; and

WHEREAS, the Ettrick Neighborhood and Business Foundation (ENBF) is a community organization dedicated to promoting a healthy, clean and safe community free of visual blight; and

WHEREAS, Virginia State University (VSU) is an institution of higher learning dedicated to instilling in its students the importance of community service as a catalyst for change thereby promoting excellence in all areas of life; and

WHEREAS, the Rudi Johnson Foundation is a non-profit organization that works with the private sector and government agencies at all levels to provide support to community-based organizations to improve the quality of life for the citizens of the community; and

WHEREAS, the Ettrick Historical Society is a group of concerned citizens who desire to preserve and protect the history, charm and vitality of the Ettrick Village; and

WHEREAS, Mr. R. L. Dunn has shown himself to be an entrepreneur dedicated to assisting whenever and wherever possible and contributing his resources toward improving the quality of life and producing a positive impact on the community particularly in the Ettrick Village; and

WHEREAS, the Friends of Ettrick Society is a founding group of concerned citizens dedicated to maintaining the charm, beauty and sustainability of the Ettrick Village by promoting a clean and safe community that is free of visual blight; and

WHEREAS, Chesterfield County officials, employees and citizens identified the need for a cohesive, collaborative effort to spur revitalization and promote a clean, attractive, safe environment free of visual blight for the Ettrick Village; and

WHEREAS, the Ettrick Village Clean Up Day is a community event sponsored, organized and planned through the collaborative efforts and resources of the Matoaca District Supervisor Renny Bush Humphrey; Matoaca District Planning Commissioner F. Wayne Bass; the Ettrick Neighborhood and Business Foundation; VSU; the Rudi Johnson Foundation; the Ettrick Historical Society; Mr. R. L. Dunn; the Friends of Ettrick Society; and Chesterfield County Departments of Building Inspections, Planning, Waste and Resource Recovery Management, Police and Community Revitalization, to decrease visual blight in the Village of Ettrick by the removal of appliances, junk, trash, brush and debris; and

WHEREAS, the Ettrick Village Clean Up Day provides an opportunity for the community to build coalitions and partnerships, both public and private, that promote positive change and improve the vitality and sustainability of the Ettrick Village and thereby, the county as a whole; and

WHEREAS, the following local businesses have supplied resources in support of this activity with the assistance of VSU and the Rudi Johnson Foundation, Ettrick United Methodist Church and the United States Marines, Marine Core Detachment Fort Lee: Anthem; S & S Tire; The Bank of McKenney; Pepsi; Ukrop's; Wawa; Frito-Lay; Sam's Club; Papa John's Pizza; Little Caesar's; and Vincenzo's Italian Restaurant.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 23rd day of May 2007, publicly recognizes the Ettrick Neighborhood and Business Foundation; Virginia State University; the Rudi Johnson Foundation; the Ettrick Historical Society; Mr. R. L. Dunn and the Friends of Ettrick Society together with all the local retailers, county employees and volunteers, both public and private, for their participation and contributions to the success of the Ettrick Village Clean Up Day on May 5, 2007, and commends them for their unwavering support and commitment to community and public service.

Ayes: Miller, Humphrey, King and Sowder.

Nays: None.

Absent: Warren.

Mrs. Humphrey presented executed resolutions to Mr. Himes, Dr. Turner and Mr. Dunn and thanked them and others for their outstanding efforts in beautifying the Village of Ettrick.

Dr. Turner presented Mrs. Humphrey with a replica of a bronze plaque that has been affixed to a Virginia State University building in recognition of the county's support over the years.

6. WORK SESSIONS

There were no work sessions at this time.

7. DEFERRED ITEMS

There were no deferred items at this time.

8. NEW BUSINESS

8.A. APPOINTMENT

On motion of Mrs. Humphrey, seconded by Mr. King, the Board suspended its rules at this time to allow for simultaneous nomination/reappointment of a member to serve on the Richmond Metropolitan Convention and Visitors Bureau Board of Directors.

Ayes: Miller, Humphrey, King and Sowder.

Nays: None.

Absent: Warren.

Mr. Warren returned to the meeting.

O RICHMOND METROPOLITAN CONVENTION AND VISITORS BUREAU

On motion of Mr. King, seconded by Mr. Sowder, the Board nominated/reappointed Mr. Neil Amin, representing the county at-large, to serve on the Richmond Metropolitan Convention and visitors Bureau Board of Directors, whose term is effective July 1, 2007 and expires December 31, 2007. (It is noted Mr. Amin, who currently serves on the RMCVB Board of Directors is being reappointed as a result of the restructuring from a 32-seat board to 21 members and is eligible for reappointment in January 2008 for a three-year-term.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B. CONSENT ITEMS

On motion of Mr. Warren, seconded by Mr. King, the Board removed the following item from the Consent Agenda for public comment: Item 8.B.18., Consideration by the Board of Supervisors of the Decision of the Planning Commission Recommending Denial of Amendments to the Upper Swift Creek Plan.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.1. APPROVAL OF LICENSE AGREEMENT WITH THE CHESTERFIELD SOFTBALL ASSOCIATION INCORPORATED FOR THE SHORT-TERM OPERATION OF CONCESSION FACILITIES AT THE HARRY G. DANIEL PARK AT IRON BRIDGE AND THE WARPRO ROAD ATHLETIC COMPLEX

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the County Administrator to enter into a license agreement with the Chesterfield Softball Association Incorporated for operation of concession facilities at the Harry G. Daniel Park at Iron Bridge and the Warbro Road Athletic Complex through October 2007.

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

8.B.2. APPROVAL OF FY2007 SCHOOL BOARD GRANT FUND REVISIONS

On motion of Mr. Warren, seconded by Mr. King, the Board increased the Instruction appropriation category in the School Board's Grant Fund by \$53,117.83, consistent with the resolution adopted by the School Board and filed with the papers of this Board.

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

8.B.3. APPROVAL OF FY2007 SCHOOL BOARD CAPITAL IMPROVEMENT PROGRAM (CIP) YEAR-END REVISIONS AND SET A PUBLIC HEARING DATE OF JUNE 27, 2007 TO REVISE FY2007 CAPITAL IMPROVEMENT PROGRAM APPROPRIATIONS

On motion of Mr. Warren, seconded by Mr. King, the Board set a public hearing date for June 27, 2007 at 6:30 p.m. for the Board to consider increasing the appropriations in the School Capital Improvements program by \$3,188,100 for technology projects (\$39,000 from the School Grants fund), for debt service (\$149,100 from interest earnings) and for air conditioning work at Meadowbrook High School (\$3,000,000 from School Capital Improvement Program Reserve).

And, further, the Board transferred \$149,100 from the School Capital Improvements fund to the School Operating fund for debt service.

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

8.B.4. APPROVAL OF FY2007 SCHOOL BOARD OPERATING FUND YEAR END ADJUSTMENTS

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the County Administrator to reserve and appropriate into FY2008 unspent FY2007 appropriations, contingent upon positive results of operations within individual departments and division wide, as determined by the county's financial audit, as outlined in the papers of this Board.

And, further, the Board reduced the School Board's Operating Fund appropriation by \$359,400 and made appropriation changes among categories consistent with the resolution adopted by the School Board on May 8, 2007 and filed with the papers of this Board.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.5. ADOPTION OF RESOLUTIONS

8.B.5.a. RECOGNIZING MAY 6-12, 2007, AS "NATIONAL ARSON AWARENESS WEEK"

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, in 2004, the most recent year for statistics, 36,000 intentionally set vehicle fires occurred, an increase of 18 percent from the previous year; and

WHEREAS, arson has one of the lowest clearance rates of any major crime; and

WHEREAS, the national clearance rate for arson in 2004 was 17.1 percent, and motor vehicle clearances were lower at 7.4 percent; and

WHEREAS, nearly 20 percent of all arsons occur in vehicles, and arson is the second-highest cause of vehicle fires; and

WHEREAS, the price that America pays for vehicle fires is extreme; and

WHEREAS, arson is expensive in pass-along costs and frequently in human life; and

WHEREAS, public awareness is one of the specific responsibilities of Chesterfield Fire and Emergency Medical Services and the County of Chesterfield; and

WHEREAS, the theme of this year's "Arson Awareness Week" is "Vehicle Arson: Who Pays for this Crime?"

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes the week of May 6-12, 2007, as "Arson Awareness Week" and calls upon the citizens of Chesterfield County to participate in fire safety and prevention by working jointly with Chesterfield Fire and Emergency Medical Services to create and encourage community awareness and understanding towards reducing the number of vehicle fires and all fires caused by arson.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.5.b. RECOGNIZING MR. EMMETT ALLEN LUCK AND MR. TRAVIS MYLES LUCK UPON ATTAINING RANK OF EAGLE SCOUT

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Boy Scouts of America was incorporated by Mr. William D. Boyce on February 8, 1910, and was chartered by Congress in 1916; and

WHEREAS, the Boy Scouts of America was founded to build character, provide citizenship training and promote physical fitness; and

WHEREAS, after earning at least twenty-one merit badges in a wide variety of skills including leadership, service and outdoor life, serving in a leadership position in a troop, carrying out a service project beneficial to their community, being active in the troop, demonstrating Scout spirit, and living up to the Scout Oath and Law

Mr. Emmett Allen Luck and Mr. Travis Myles Luck, both of Troop 842, sponsored by Swift Creek Baptist Church have accomplished those high standards of commitment and have reached the long-sought goal of Eagle Scout which is received by only four percent of those individuals entering the Scouting movement; and

WHEREAS, growing through their experiences in Scouting, learning the lessons of responsible citizenship, and endeavoring to prepare themselves for roles as leaders in society, Allen and Travis have distinguished themselves as members of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors hereby extends its congratulations to Mr. Emmett Allen Luck and Mr. Travis Myles Luck, and acknowledges the good fortune of the county to have such outstanding young men as its citizens.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.5.c. RECOGNIZING MS. MONICA MARLO FOSTER UPON ATTAINING THE GOLD AWARD

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Girl Scouts of the United States of America is an organization serving over 2.6 million girls and was founded to promote citizenship training and personal development; and

WHEREAS, after earning four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, the Senior Girl Scout Challenge, and designing and implementing a Girl Scout Gold Award project; and

WHEREAS, the Gold Award is the highest achievement award in Girl Scouting and symbolizes outstanding accomplishments

in the areas of leadership, community service, career planning, and personal development; and

WHEREAS, the Girl Scout Award can only be earned by girls aged 14-17 or in grades 9-12 and is received by less than six percent of those individuals entering the Girl Scouting movement; and

WHEREAS, Ms. Monica Marlo Foster, Troop 569, sponsored by Grace Lutheran Church, has accomplished these high standards and has been honored with the Girl Scouts of America Gold Award by the Commonwealth Girl Scout Council of Virginia; and

WHEREAS, growing through her experiences in Girl Scouting, learning the lessons of responsible citizenship, and priding herself on the great accomplishments of her country, Monica is indeed a member of a new generation of prepared young citizens of whom we can all be very proud.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes Ms. Monica Marlo Foster, extends congratulations on her attainment of the Gold Award and acknowledges the good fortune of the county to have such an outstanding young woman as one of its citizens.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.5.d. ELECTING A 1.85 PERCENT VRS MULTIPLIER FOR PUBLIC SAFETY (LEOS) EMPLOYEES

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution electing a 1.85 percent VRS Multiplier for Public Safety (LEOS) employees, effective July 1, 2007:

WHEREAS, by resolution legally adopted and approved by the Board of Supervisors, Chesterfield County, a political subdivision, participates in the Virginia Retirement System under Section 51.1-130 of the Code of Virginia, as amended; and

WHEREAS, by resolution or resolutions legally adopted and approved by the Board, Chesterfield County has elected to provide the enhanced benefits described in Section 51.1-138, subsection B to selected public safety employee groups, such benefits being referred to collectively as "Section 138 Coverage", and

WHEREAS, the Virginia General Assembly passed legislation effective July 1, 2007, allowing Chesterfield County to elect to provide for its employees with Section 138 Coverage a retirement allowance equal to the amount of creditable service multiplied by 1.85 percent of average final compensation as provided in clause (ii) in subsection A (1) of Section 51.1-206 (the "1.85 Multiplier"); and

WHEREAS, Chesterfield County desires to make this irrevocable election and provide the 1.85 Multiplier to its employees that now have, or may in the future be given, Section 138 Coverage.

NOW, THEREFORE, BE IT RESOLVED that Chesterfield County elects to establish the 1.85 Multiplier for all employees who are now, or who may be in the future, provided Section 138 Coverage.

AND, BE IT FURTHER RESOLVED that Chesterfield County agrees to pay the employer cost for providing the 1.85 Multiplier to all employees who are now, or who may be in the future, provided Section 138 Coverage, pursuant to this irrevocable election.

AND, BE IT FURTHER RESOLVED that the County Administrator is authorized and directed in the name of Chesterfield County to execute any required contract to carry out this irrevocable election, and to do any other thing, or things, incident and necessary in the lawful conclusion of this matter. The seal of Chesterfield County shall be affixed to any such contract and attested by the Clerk, and the Treasurer of Chesterfield County is authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as may be required to be paid by Chesterfield County or its employees for this purpose.

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

8.B.5.e. RECOGNIZING SERGEANT JAMES M. MAGDA, JR., POLICE DEPARTMENT, UPON HIS RETIREMENT

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Sergeant James M. Magda, Jr. retired from the Chesterfield County Police Department after providing 26 years of quality service to the citizens of Chesterfield County; and

WHEREAS, Sergeant Magda has faithfully served the County in the capacity of Patrol Officer, Training Officer, Investigator, Detective, and Sergeant; and

WHEREAS, Sergeant Magda served as Accreditation Manager for the Police Department and was instrumental in assisting the department with achieving the goal of becoming an accredited agency; and

WHEREAS, Sergeant Magda has assisted numerous surrounding agencies in their accreditation process, through which they have also become accredited; and

WHEREAS, Sergeant Magda received the Police Star for distinguishing himself on August 6, 1993, during a devastating tornado which passed through the tri-cities area, when while traveling north on Interstate 95, Officer Magda observed a tornado funnel traveling along the Appomattox River in a direction that would cause it to cross the heavily traveled interstate; and acting quickly, he blocked the northbound travel lane, preventing vehicles from entering the danger zone of the tornado, and preventing damage to property and the possible loss of life; and

WHEREAS, Sergeant Magda has received numerous letters of thanks and appreciation for service rendered from the citizens of Chesterfield County; and

WHEREAS, Sergeant Magda has provided the Chesterfield County Police Department with many years of loyal and dedicated service; and

WHEREAS, Chesterfield County and the Board of Supervisors will miss Sergeant Magda's diligent service.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes Sergeant James M. Magda, Jr., and extends on behalf of its members and the citizens of Chesterfield County appreciation for his service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.5.f. RECOGNIZING MAJOR JAMES T. NOWLIN, POLICE DEPARTMENT, UPON HIS RETIREMENT

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, Major James T. Nowlin retired from the Chesterfield County Police Department after providing 22 years of quality service to the citizens of Chesterfield County; and

WHEREAS, Major Nowlin has faithfully served the county in the capacities of Patrol Officer, Field Training Officer, Investigator, Sergeant, Lieutenant, and Captain, Inspector, and Major; and

WHEREAS, Major Nowlin has also served the Police Department as a General Instructor, Firearms Instructor, Driving Instructor, and as a member of the SWAT Team and Traffic Accident Reduction Team; and

WHEREAS, Major Nowlin has served the citizens of Chesterfield County in various commander positions to include Special Response Unit Commander, Shift Commander, Co-Manager of the Emergency Communications Center, and Commander of the Uniform Operations Bureau; and

WHEREAS, Major Nowlin received a Certificate of Commendation for his diligent work and team participation in the resolution of a homicide case, where the intense investigation led to the identification of three suspects who were subsequently charged with murder, and a fourth suspect that was charged with a related offense; and

WHEREAS, Major Nowlin was commended for his tenacious investigative skills while participating on a multi-agency task force, which brought resolution to the high profile arson case of the First Baptist Church of Centralia, and the professionalism and dedication to duty exemplified by members of the task force resulted in the identification and arrest

of two adults and one juvenile for the arson of the historic building; and

WHEREAS, Major Nowlin is a graduate of the Professional Executive Leadership School; Federal Bureau of Investigations National Academy, and Federal Bureau of Investigations Sniper School; and

WHEREAS, Major Nowlin distinguished himself by possessing the essential quality, skills and ambition to become the first African American Captain, Lieutenant, and Major of the Chesterfield County Police Department; and

WHEREAS, Major Nowlin has received numerous letters of thanks and appreciation for service rendered from the citizens of Chesterfield County; and

WHEREAS, Major Nowlin has provided the Chesterfield County Police Department with many years of loyal and dedicated service; and

WHEREAS, Chesterfield County and the Board of Supervisors will miss Major Nowlin's diligent service.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors recognizes Major James T. Nowlin, and extends on behalf of its members and the citizens of Chesterfield County appreciation for his service to the county, congratulations upon his retirement, and best wishes for a long and happy retirement.

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

8.B.7. TRANSFER OF DISTRICT IMPROVEMENT FUNDS

8.B.7.a. FROM THE BERMUDA DISTRICT IMPROVEMENT FUND TO THE SCHOOL BOARD TO PURCHASE A PITCHING MACHINE FOR THE SOFTBALL PROGRAM AT THOMAS DALE HIGH SCHOOL

On motion of Mr. Warren, seconded by Mr. King, the Board transferred a total of \$1,300 from the Bermuda District Improvement Fund to the School Board to purchase a pitching machine for the softball program at Thomas Dale High School.

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

8.B.7.b. FROM THE MATOACA DISTRICT IMPROVEMENT FUND TO THE SCHOOL BOARD TO PURCHASE A TROPHY CASE FOR O.B. GATES ELEMENTARY SCHOOL

On motion of Mr. Warren, seconded by Mr. King, the Board transferred \$2,256 from the Matoaca District Improvement Fund to the School Board to purchase a trophy case for O.B. Gates Elementary School.

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

8.B.7.c. FROM THE MIDLOTHIAN DISTRICT IMPROVEMENT FUND TO THE PARKS AND RECREATION DEPARTMENT TO MAKE FIELD

**IMPROVEMENTS TO THE EXISTING BASEBALL FIELD AT
JAMES RIVER HIGH SCHOOL**

On motion of Mr. Warren, seconded by Mr. King, the Board transferred \$2,000 from the Midlothian District Improvement Fund to the Parks and Recreation Department to make field improvements to the existing baseball field at James River High School.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

**8.B.8. AWARD OF CONTRACT TO CAPITAL CARBONIC GAS CORPORATION
KNOWN AS HARBOR DREDGE AND DOCK FOR CONSTRUCTION OF
DUTCH GAP CONSERVATION AREA CHANNEL BRIDGE**

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the County Administrator to enter into a contract with Capital Carbonic Gas Corporation, known as Harbor Dredge and Dock, in the amount of \$342,000, for construction of the Dutch Gap Conservation Area Channel Bridge.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.9. AWARD OF CONSTRUCTION CONTRACTS

**8.B.9.a. TO JOHNSON AND GLAZIER CONSTRUCTION COMPANY FOR THE
MEADOWRIDGE WATER LINE IMPROVEMENT PROJECT**

On motion of Mr. Warren, seconded by Mr. King, the Board awarded a construction contract to Johnson and Glazier Construction Company, in the amount of \$682,536.60, for the Meadowridge Water Line Improvement Project, County Project #05-0354, and authorized the County Administrator to execute the necessary documents.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

**8.B.9.b. FOR THE WOOLRIDGE ROAD (CHARTER COLONY PARKWAY TO
COALFIELD ROAD) BOND PROJECT**

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the award of a construction contract, up to \$1,500,000, for the Woolridge Road (Charter Colony Parkway to Coalfield Road) Bond Project.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

**8.B.9.c. FOR THE BEULAH ROAD (SUMMERLEAF DRIVE TO HOPKINS
ROAD) BOND PROJECT**

On motion of Mr. Warren, seconded by Mr. King, the Board approved the design for the Beulah Road (Summerleaf Drive to Hopkins Road) Bond Project, as presented at the April 3, 2007 Citizen Information Meeting with the addition of sidewalk from Cinderwood Drive to Hopkins Road; authorized the County

Administrator to enter into the necessary county/Virginia Department of Transportation/consultant/contractor, right-of-way acquisition, environmental permits, and or/construction agreements acceptable to the County Attorney, for the project; authorized the advertisement of an eminent domain public hearing, if necessary, to acquire the right-of-way; authorized the County Administrator to enter into any documents necessary to complete a conveyance to the county; and authorized the County Administrator to award a construction contract, up to \$2.8 million, to the lowest bidder.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.10. CONVEYANCE OF EASEMENTS TO VIRGINIA ELECTRIC AND POWER COMPANY

8.B.10.a. FOR UNDERGROUND CABLE TO PROVIDE SERVICE TO THE NEW HARPERS MILL ELEMENTARY SCHOOL

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Virginia Electric and Power Company for underground cable to provide service to the new Harpers Mill Elementary School. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.10.b. FOR UNDERGROUND CABLE TO PROVIDE SERVICE TO THE NEW TOMAHAWK CREEK MIDDLE SCHOOL

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Virginia Electric and Power Company for underground cable to provide service to the new Tomahawk Creek Middle School. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.11. REQUESTS FOR PERMISSION

8.B.11.a. FROM BRLYNNE LLC TO INSTALL A PRIVATE SEWER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON JUSTICE ROAD

On motion of Mr. Warren, seconded by Mr. King, the Board approved a request from Brlynne LLC for permission to install a private sewer service within a private easement to serve property at 14345 Justice Road, and authorized the County Administrator to execute the sewer connection agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

8.B.11.b. FROM MOHAMMAD A. AND SARA ALI FOR A FENCE TO ENCROACH WITHIN TWO EIGHT-FOOT DRAINAGE EASEMENTS, AN EIGHT-FOOT EASEMENT, A TEN-FOOT TEMPORARY CONSTRUCTION EASEMENT, AND A TWENTY-FOOT AND VARIABLE WIDTH SEWER EASEMENT ACROSS LOT 56, TANNER VILLAGE, SECTION A AT CHARTER COLONY

On motion of Mr. Warren, seconded by Mr. King, the Board approved a request from Mohammad A. Ali and Sara Ali for a fence to encroach within two 8-foot drainage easements, an 8-foot easement, a 10-foot temporary construction easement and a 20-foot and variable width sewer easement across Lot 56, Tanner Village, Section A at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

8.B.11.c. FROM IRENE W. CARNES FOR A PROPOSED CONCRETE DUMPSTER PAD TO ENCROACH WITHIN A STORM WATER MANAGEMENT SYSTEM/BEST MANAGEMENT PRACTICE EASEMENT ACROSS CHESTER SQUARE, PARCEL B

On motion of Mr. Warren, seconded by Mr. King, the Board approved a request from Irene W. Carnes for permission for a proposed concrete dumpster pad to encroach within a storm water management system/best management practice easement across Chester Square, Parcel B, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

8.B.11.d. FROM JOHN H. HARVEY FOR LANDSCAPING TO ENCROACH WITHIN A TWENTY-FOOT SEWER EASEMENT, A SIXTEEN-FOOT DRAINAGE EASEMENT AND AN EIGHT-FOOT EASEMENT ACROSS LOT 23, MADISON VILLAGE, SECTION A AT CHARTER COLONY

On motion of Mr. Warren, seconded by Mr. King, the Board approved a request from John H. Harvey for permission for landscaping to encroach within a 20-foot sewer easement, a 16-foot drainage easement and an 8-foot easement across Lot 23, Madison Village, Section A at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

8.B.11.e. FROM THOMLIN3 LLC TO INSTALL A PRIVATE SEWER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON JUSTICE ROAD

On motion of Mr. Warren, seconded by Mr. King, the Board approved a request from Thomlin3 LLC for permission to install a private sewer service within a private easement, and authorized the County Administrator to execute the sewer connection agreement. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.11.f. FROM WILLIAM BRAND AND DEBORAH B. INLOW FOR A PROPOSED FENCE TO ENCROACH WITHIN A THIRTY-FOOT DRAINAGE AND SEWER EASEMENT AND A SIXTEEN-FOOT EASEMENT ACROSS LOT 61, STEWART VILLAGE, SECTION A AT CHARTER COLONY

On motion of Mr. Warren, seconded by Mr. King, the Board approved a request from William Brand Inlow and Deborah B. Inlow for permission for a proposed fence to encroach within a 30-foot drainage and sewer easement and a 16-foot easement across Lot 61, Stewart Village, Section A at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.11.g. FROM DOUGLAS A. AND SARA A. JAMES FOR A PROPOSED DECK TO ENCROACH WITHIN A FIVE-FOOT TEMPORARY CONSTRUCTION EASEMENT ACROSS LOT 13, BLOCK A, CROSS CREEK, SECTION B

On motion of Mr. Warren, seconded by Mr. King, the Board approved a request from Douglas A. James and Sara A. James for permission for a proposed deck to encroach within a 5-foot temporary construction easement across Lot 13, Block A, Cross Creek, Section B, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.11.h. FROM DONALD L. AND DANA H. LEONOWICZ FOR AN EXCEPTION TO THE USE OF PUBLIC WASTEWATER FOR A PROPOSED RESIDENTIAL STRUCTURE LOCATED ON RIVER ROAD

On motion of Mr. Warren, seconded by Mr. King, the Board approved a request from Donald L. and Dana H. Leonowicz for an exception to the use of public wastewater for a proposed residential structure located at 4905 River Road. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

8.B.12. DESIGNATION OF RIGHT OF WAY, TEMPORARY CONSTRUCTION EASEMENTS AND VIRGINIA DEPARTMENT OF TRANSPORTATION SIGHT DISTANCE AND SLOPE AND DRAINAGE EASEMENTS FOR THE REPLACEMENT CLOVER HILL HIGH SCHOOL

On motion of Mr. Warren, seconded by Mr. King, the Board designated right of way, temporary construction easements and Virginia Department of Transportation sight distance and slope and drainage easements for the replacement Clover Hill High School, and authorized the County Administrator to execute the Declaration. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

8.B.13. ACCEPTANCE OF PARCELS OF LAND

8.B.13.a. FOR THE EXTENSION OF BRANDERMILL PARKWAY FROM THE TRUSTEES OF COUNTRYSIDE CHRISTIAN CHURCH

On motion of Mr. Warren, seconded by Mr. King, the Board accepted the conveyance of two parcels of land, containing a total of 0.537 acres, from the Trustees of Countryside Christian Church, for the extension of Brandermill Parkway, and authorized the County Administrator to execute the deed. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

8.B.13.b. FOR THE EXTENSION OF CHESTNUT HILL ROAD AND CHESTNUT HILL LANE FROM WHITE OAKS DEVELOPMENT, LLC

On motion of Mr. Warren, seconded by Mr. King, the Board accepted the conveyance of two parcels of land, containing a total of 2.39 acres, from White Oaks Development, LLC, for the extension of Chestnut Hill Road and Chestnut Hill Lane, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

8.B.13.c. ALONG THE SOUTH RIGHT OF WAY LINE OF WEST HUNDRED ROAD FROM JAMES E. HIGGINS, SR. AND JAMES E. HIGGINS, JR.

On motion of Mr. Warren, seconded by Mr. King, the Board accepted the conveyance of two parcels of land, containing a total of 0.026 acres, along the south right of way line of West Hundred Road (State Route 10) from James Higgins, Sr. and James E. Higgins, Jr., and authorized the County

Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.13.d. ALONG THE SOUTH RIGHT OF WAY LINE OF BAILEY BRIDGE ROAD FROM LEROY MCLAUGHLIN

On motion of Mr. Warren, seconded by Mr. King, the Board accepted the conveyance of a parcel of land, containing 0.164 acres, along the south right of way line of Bailey Bridge Road (State Route 654) from Leroy McLaughlin, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.13.e. ALONG CARVER HEIGHTS DRIVE AND FOR THE EXTENSION OF RIVINGTON DRIVE FROM PRINCETON PROPERTIES, INCORPORATED

On motion of Mr. Warren, seconded by Mr. King, the Board accepted the conveyance of three parcels of land, containing a total of 1.70 acres, along Carver Heights Drive and for the extension of Rivington Drive, from Princeton Properties, Incorporated, and authorized the County Administrator to execute the deed. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.13.f. FOR THE EXTENSION OF RIVINGTON DRIVE FROM RIVER FOREST DEVELOPMENT COMPANY, LLC

On motion of Mr. Warren, seconded by Mr. King, the Board accepted the conveyance of two parcels of land, containing a total of 0.71 acres, for the extension of Rivington Drive from River Forest Development Company, LLC, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.13.g. FOR THE EXTENSION OF BRANDERMILL PARKWAY FROM GLENN M. HILL

On motion of Mr. Warren, seconded by Mr. King, the Board accepted the conveyance of a parcel of land, containing a total of 1.667 acres, for the extension of Brandermill Parkway from Glenn M. Hill, and authorized the County Administrator to execute the deed. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.14. SET DATES FOR PUBLIC HEARINGS

**8.B.14.a. TO CONSIDER AN ORDINANCE TO ESTABLISH THE
"IRONWOOD ROAD SEWER ASSESSMENT DISTRICT"**

On motion of Mr. Warren, seconded by Mr. King, the Board set the date of June 27, 2007 at 6:30 p.m. for a public hearing for the Board to consider an ordinance to establish the "Ironwood Road Sewer Assessment District."

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

**8.B.14.b. TO CONSIDER AN ORDINANCE TO ESTABLISH THE
"IRONWOOD ROAD WATER ASSESSMENT DISTRICT"**

On motion of Mr. Warren, seconded by Mr. King, the Board set the date of June 27, 2007 at 6:30 p.m. for a public hearing for the Board to consider an ordinance to establish the "Ironwood Road Water Assessment District."

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

**8.B.14.c. TO CONSIDER THE EXERCISE OF EMINENT DOMAIN FOR THE
ACQUISITION OF RIGHT-OF-WAY, TEMPORARY AND
PERMANENT CONSTRUCTION EASEMENTS, PERMANENT
DRAINAGE EASEMENTS, AND UTILITY EASEMENTS FOR THE
ROUTE 10 WIDENING PROJECT FROM I-95 TO WARE BOTTOM
SPRING ROAD**

On motion of Mr. Warren, seconded by Mr. King, the Board set the date of June 27, 2007 at 6:30 p.m. for a public hearing for the Board to consider the exercise of eminent domain for the acquisition of right-of-way, temporary and permanent construction easements, permanent drainage easements, and utility easements for the Route 10 Widening Project from I-95 to Ware Bottom Spring Road.

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

**8.B.14.d. TO CONSIDER THE RESTRICTION OF THROUGH TRUCK
TRAFFIC ON OLD HAPPY HILL ROAD**

On motion of Mr. Warren, seconded by Mr. King, the Board set the date of June 27, 2007 at 6:30 p.m. for a public hearing for the Board to consider the restriction of through truck traffic on Old Happy Hill Road from Branders Bridge Road to Happy Hill Road.

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

**8.B.14.e. TO CONSIDER THE RESTRICTION OF THROUGH TRUCK
TRAFFIC ON BERMUDA HUNDRED ROAD**

On motion of Mr. Warren, seconded by Mr. King, the Board set the date of June 27, 2007 at 6:30 p.m. for a public hearing

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

On motion of Mr. Warren, seconded by Mr. King, the Board set the date of June 27, 2007 at 6:30 p.m. for a public hearing for the Board to consider an amendment to Section 19-227 of the Code of Virginia, 1997, as amended, pertaining to the sale of alcohol beverages near schools, residentially zoned property, day care centers, churches and other places of worship.

On motion of Mr. Warren, seconded by Mr. King, the Board adopted the following resolution:

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Project: Thornsett

Type Change to the Secondary System of State Highways:

Addition

Basis for Change: New subdivision street

Statutory Reference: §33.1-229

• **Thornsett Drive, State Route Number 7186**

From: Londmeadow Cr., (Rt. 5131)
To: Thornsett Ln., (Rt. 7187), a distance of: 0.04 miles.
Right of Way Record: Filed on 2/6/2006 in the Office of Clerk to Circuit Court, with a width of 50 feet.
Recordation Reference: Pb. 162, Pg. 80

• **Thornsett Lane, State Route Number 7187**

From: Thornsett Dr., (Rt. 7186)
To: Cul-de-sac, a distance of: 0.07 miles.
Right of Way Record: Filed on 2/6/2006 in the Office of Clerk to Circuit Court, with a width of 50 feet.
Recordation Reference: Pb. 162, Pg. 80

• **Thornsett Drive, State Route Number 7186**

From: Thornsett Ln., (Rt. 7187)
To: Cul-de-sac, a distance of: 0.13 miles.
Right of Way Record: Filed on 2/6/2006 in the Office of Clerk to Circuit Court, with a width of 50 feet.
Recordation Reference: Pb. 162, Pg. 80

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Project: Eastfair Drive and Highland Glen Drive
Type Change to the Secondary System of State Highways: Addition
Basis for Change: New subdivision street
Statutory Reference: §33.1-229

• **Highland Glen Drive, State Route Number: 5160**

From: Lammermoor Dr., (Rt. 5535)
To: Eastfair Dr., (Rt. 5186), a distance of: 0.21 miles.
Right of Way Record: Filed on 9/30/2003 in the Office of Clerk to Circuit Court, with a width of varies.

Recordation Reference: Db. 5400, Pg. 662

• **Eastfair Drive, State Route Number: 5186**

From: Allerdice Tr., (Rt. 5162)

To: Highland Glen Dr., (Rt. 5160), a distance of: 0.16 miles.

Right of Way Record: Filed on 9/30/2003 in the Office of Clerk to Circuit Court, with a width of varies.

Recordation Reference: Db. 5400, Pg. 662

• **Eastfair Drive, State Route Number: 5186**

From: Highland Glen Dr., (Rt. 5160)

To: Temp EOM, a distance of: 0.26 miles.

Right of Way Record: Filed on 9/30/2003 in the Office of Clerk to Circuit Court, with a width of varies.

Recordation Reference: Db. 5400, Pg. 662

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Project: Jessup Place

Type Change to the Secondary System of State Highways: Addition

Basis for Change: New subdivision street

Statutory Reference: §33.1-229

• **Damon Drive, State Route Number: 7170**

From: Jessup Rd., (Rt. 643)

To: Lavelle Rd., (Rt. 7171), a distance of: 0.03 miles.

Right of Way Record: Filed on 1/14/1999 in the Office of Clerk to Circuit Court, with a width of 80 feet.

Recordation Reference: Pb. 102, Pg. 80

- **Lavelle Road, State Route Number: 7171**

From: Damon Dr., (Rt. 7170)

To: Cul-de-sac, a distance of: 0.22 miles.

Right of Way Record: Filed on 1/14/1999 in the Office of Clerk to Circuit Court, with a width of 50 feet.

Recordation Reference: Pb. 102, Pg. 80

- **Damon Drive, State Route Number: 7170**

From: Damon Dr., (Rt. 7170)

To: Cul-de-sac, a distance of: 0.19 miles.

Right of Way Record: Filed on 1/14/1999 in the Office of Clerk to Circuit Court, with a width of 50 feet.

Recordation Reference: Pb. 102, Pg. 80

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Project: Kingsland Glen, Section 1; remainder of

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: New subdivision street

Statutory Reference: §33.1-229

- **Chickamauga Drive, State Route Number 5465**

From: 0.01 mi. W of Kingsland Creek Dr., (Rt. 5446)

To: Lake Caroline Dr., (Rt. 7021), a distance of: 0.02 miles.

Right of Way Record: Filed on 1/22/2002 in the Office of Clerk to Circuit Court, with a width of 40 feet.

Recordation Reference: Pb. 123, Pg. 44

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Project: Meadowbrook Farm, Section I

Type Change to the Secondary System of State Highways: Addition

Basis for Change: New subdivision street

Statutory Reference: §33.1-229

• **Ironstone Court, State Route Number: 7164**

From: Ironstone Dr., (Rt. 5928)

To: Cul-de-sac, a distance of: 0.03 miles.

Right of Way Record: Filed on 2/10/2004 in the Office of Clerk to Circuit Court, with a width of 44 feet.

Recordation Reference: Pb. 141, Pg. 9

• **Ironstone Drive, State Route Number: 5928**

From: 0.005 mi. N of Wimbley Wy., (Rt. 5929)

To: Cul-de-sac, a distance of: 0.05 miles.

Right of Way Record: Filed on 2/10/2004 in the Office of Clerk to Circuit Court, with a width of 44 feet.

Recordation Reference: Pb. 141, Pg. 9

• **Barnwood Drive, State Route Number: 5930**

From: 0.02 mi. S of Wimbley Wy., (Rt. 5929)

To: Cul-de-sac, a distance of: 0.04 miles.

Right of Way Record: Filed on 2/10/2004 in the Office of Clerk to Circuit Court, with a width of 44 feet.

Recordation Reference: Pb. 141, Pg. 9

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision

Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Project: Edgewater At The Reservoir, Section 4

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **New subdivision street**

Statutory Reference: **§33.1-229**

• **Fountain View Drive, State Route Number: 7175**

From: Woolridge Rd., (Rt. 668)

To: Sailboat Ln., (Rt. 7176), a distance of: 0.28 miles.

Right of Way Record: Filed on 6/7/2004 in the Office of Clerk to Circuit Court, with a width of 50 feet.

Recordation Reference: Pb. 144, Pg. 44

• **Fountain View Drive, State Route Number: 7175**

From: Sailboat Ln., (Rt. 7176)

To: Temp EOM, a distance of: 0.01 miles.

Right of Way Record: Filed on 6/7/2004 in the Office of Clerk to Circuit Court, with a width of 50 feet.

Recordation Reference: Pb. 144, Pg. 44

• **Sailboat Lane, State Route Number: 7176**

From: Fountain View Dr., (Rt. 7175)

To: Sailboat Cr., (Rt. 7178), a distance of: 0.03 miles.

Right of Way Record: Filed on 6/7/2004 in the Office of Clerk to Circuit Court, with a width of 50 feet.

Recordation Reference: Pb. 144, Pg. 44

• **Sailboat Court, State Route Number: 7177**

From: Sailboat Cr., (Rt. 7178)

To: Cul-de-sac, a distance of: 0.05 miles.

Right of Way Record: Filed on 6/7/2004 in the Office of Clerk to Circuit Court, with a width of 40 feet.

Recordation Reference: Pb. 144, Pg. 44

• **Sailboat Circle, State Route Number: 7178**

From: Sailboat Ln., (Rt. 7176)

To: Sailboat Pl., (Rt. 7179), a distance of: 0.23 miles.

Right of Way Record: Filed on 6/7/2004 in the Office of Clerk to Circuit Court, with a width of 45 feet.

Recordation Reference: Pb. 144, Pg. 44

- **Sailboat Place, State Route Number: 7179**

From: Sailboat Cr., (Rt. 7178)

To: Cul-de-sac, a distance of: 0.08 miles.

Right of Way Record: Filed on 6/7/2004 in the Office of Clerk to Circuit Court, with a width of 40 feet.

Recordation Reference: Pb. 144, Pg. 44

- **Sailboat Circle, State Route Number: 7178**

From: Sailboat Pl., (Rt. 7179)

To: Sailboat Dr., (Rt. 7180), a distance of: 0.09 miles.

Right of Way Record: Filed on 6/7/2004 in the Office of Clerk to Circuit Court, with a width of 45 feet.

Recordation Reference: Pb. 144, Pg. 44

- **Sailboat Circle, State Route Number: 7178**

From: Sailboat Dr., (Rt. 7180)

To: Sailboat Ln., (Rt. 7176), a distance of: 0.18 miles.

Right of Way Record: Filed on 6/7/2004 in the Office of Clerk to Circuit Court, with a width of 45 feet.

Recordation Reference: Pb. 144, Pg. 44

- **Sailboat Drive, State Route Number: 7180**

From: Sailboat Cr., (Rt. 7178)

To: Watermill Py., (Rt. 5583), a distance of: 0.09 miles.

Right of Way Record: Filed on 6/7/2004 in the Office of Clerk to Circuit Court, with a width of 50 feet.

Recordation Reference: Pb. 144, Pg. 44

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WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

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AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Project: **Edgewater at the Reservoir, Section 8**

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: **New subdivision street**

Statutory Reference: **§33.1-229**

• **Cove View Lane, State Route Number: 7053**

From: 0.01 mi. E of Wave Ln., (Rt. 7052)

To: Savage View Dr., (Rt. 7181), a distance of: 0.05 miles.

Right of Way Record: Filed on 7/1/2004 in the Office of Clerk to Circuit Court, with a width of 45 feet.

Recordation Reference: Pb. 145, Pg. 69

• **Cove View Lane, State Route Number: 7053**

From: Savage View Dr., (Rt. 7181)

To: Cul-de-sac, a distance of: 0.07 miles.

Right of Way Record: Filed on 7/1/2004 in the Office of Clerk to Circuit Court, with a width of 45 feet.

Recordation Reference: Pb. 145, Pg. 69

• **Savage View Drive, State Route Number: 7181**

From: Cove View Ln., (Rt. 7053)

To: Fountain View Dr., (Rt. 7175), a distance of: 0.09 miles.

Right of Way Record: Filed on 7/1/2004 in the Office of Clerk to Circuit Court, with a width of 50 feet.

Recordation Reference: Pb. 145, Pg. 69

• **Fountain View Drive, State Route Number: 7175**

From: 0.01 mi. E of Sailboat Ln., (Rt. 7176)

To: Savage View Dr., (Rt. 7181), a distance of: 0.11 miles.

Right of Way Record: Filed on 7/1/2004 in the Office of Clerk to Circuit Court, with a width of 50 feet.

Recordation Reference: Pb. 145, Pg. 69

• **Fountain View Drive, State Route Number: 7175**

From: Savage View Dr., (Rt. 7181)

To: Cul-de-sac, a distance of: 0.07 miles.

Right of Way Record: Filed on 7/1/2004 in the Office of Clerk to Circuit Court, with a width of 50 feet.

Recordation Reference: Pb. 145, Pg. 69

• **Savage View Drive, State Route Number: 7181**

From: Fountain View Dr., (Rt. 7175)

To: Savage View Pl., (Rt. 7182), a distance of: 0.05 miles.

Right of Way Record: Filed on 7/1/2004 in the Office of Clerk to Circuit Court, with a width of 50 feet.

Recordation Reference: Pb. 145, Pg. 69

• **Savage View Place, State Route Number: 7182**

From: Savage View Dr., (Rt. 7181)

To: Cul-de-sac, a distance of: 0.04 miles.

Right of Way Record: Filed on 7/1/2004 in the Office of Clerk to Circuit Court, with a width of 45 feet.

Recordation Reference: Pb. 145, Pg. 69

• **Savage View Drive, State Route Number: 7181**

From: Savage View Pl., (Rt. 7182)

To: Savage View Ct., (Rt. 7183), a distance of: 0.07 miles.

Right of Way Record: Filed on 7/1/2004 in the Office of Clerk to Circuit Court, with a width of 50 feet.

Recordation Reference: Pb. 145, Pg. 69

• **Savage View Court, State Route Number: 7183**

From: Savage View Dr., (Rt. 7181)

To: Cul-de-sac, a distance of: 0.07 miles.

Right of Way Record: Filed on 7/1/2004 in the Office of Clerk to Circuit Court, with a width of 45 feet.

Recordation Reference Pb. 145, Pg. 69

• **Savage View Drive, State Route Number: 7181**

From: Savage View Pl., (Rt. 7182)

To: Cul-de-sac, a distance of: 0.04 miles.

Right of Way Record: Filed on 7/1/2004 in the Office of Clerk to Circuit Court, with a width of 50 feet.

Recordation Reference: Pb. 145, Pg. 69

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Project: Otterdale Pointe

Type Change to the Secondary System of State Highways: Addition

Basis for Change: New subdivision street

Statutory Reference: §33.1-229

- **Otterdale Pointe Drive, State Route Number: 7166**

From: Otterdale Rd., (Rt. 667)

To: Kyloe Ln., (Rt. 7167), a distance of: 0.12 miles.

Right of Way Record: Filed on 1/20/2006 in the Office of Clerk to Circuit Court, with a width of 50 feet.

Recordation Reference Pb. 162, Pg. 13

- **Kyloe Lane, State Route Number: 7167**

From: Otterdale Pointe Dr., (Rt. 7166)

To: Temp EOM, a distance of: 0.12 miles.

Right of Way Record: Filed on 1/20/2006 in Office of Clerk to Circuit Court, with a width of 50 feet -varies.

Recordation Reference: Pb. 162, Pg. 13

- **Otterdale Pointe Drive, State Route Number: 7166**

From: Kyloe Ln., (Rt. 7167)

To: Hilbay Tr., (Rt. 7168), a distance of: 0.07 miles.

Right of Way Record: Filed on 1/20/2006 in the Office of Clerk to Circuit Court, with a width of 50 feet.

Recordation Reference Pb. 162, Pg. 13

- **Hilbay Terrace, State Route Number: 7168**

From: Otterdale Pointe Dr., (Rt. 7166)

To: Cul-de-sac, a distance of: 0.11 miles.

Right of Way Record: Filed on 1/20/2006 in the Office of Clerk to Circuit Court, with a width of 50 feet.

Recordation Reference: Pb. 162, Pg. 13

- **Otterdale Pointe Drive, State Route Number: 7166**

From: Hilbay Tr., (Rt. 7168)

To: Cul-de-sac, a distance of: 0.15 miles.

Right of Way Record: Filed on 1/20/2006 in the Office of Clerk to Circuit Court, with a width of 50 feet.

Recordation Reference: Pb. 162, Pg. 13

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Project: Red Fern Station

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: New subdivision street

Statutory Reference: §33.1-229

- **Red Fern Court, State Route Number 7190**

From: Woolridge Rd., (Rt. 668)

To: Cul-de-sac, a distance of: 0.14 miles.

Right of Way Record: Filed on 1/20/2005 in the Office of Clerk to Circuit Court, with a width of 40 feet.

Recordation Reference Pb. 151, Pg. 6

And, further, the Board adopted the following resolution:

WHEREAS, the street described below is shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street meets the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the street described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Project: Sovereign Grace Drive

Type Change to the Secondary System of State Highways: **Addition**

Basis for Change: New subdivision street

Statutory Reference: §33.1-229

- **Sovereign Grace Drive, State Route Number: 7165**

From: Charter Colony Py., (Rt. 950)

To: Temp EOM, a distance of: 0.18 miles.

Right of Way Record: Filed on 5/21/2004 in the Office of Clerk to Circuit Court, with a width of 50 feet.

Recordation Reference: Db. 5756, Pg. 607

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.16. REQUEST TO QUITCLAIM A PORTION OF A VARIABLE WIDTH DRAINAGE EASEMENT (PRIVATE) AND A PORTION OF A VARIABLE WIDTH SEWER AND WATER EASEMENT ACROSS THE PROPERTY OF BRECKENRIDGE 2005 LLC

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a variable width sewer and water easement (private) and a portion of a variable width sewer and water easement across the property of Breckenridge 2005 LLC. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.17. APPROPRIATION OF ROAD CASH PROFFER FUNDS AND AUTHORIZATION TO PROCEED WITH THE BRANDERS BRIDGE ROAD (STONEY GLEN) RECONSTRUCTION PROJECT

On motion of Mr. Warren, seconded by Mr. King, the Board appropriated \$100,000 in road cash proffers from Traffic Shed 18 for the Branders Bridge Road (Stoney Glen) Reconstruction Project; and authorized the County Administrator to proceed with the design, environmental permits, and right-of-way acquisition, including advertisement of an eminent domain public hearing if necessary.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.19. CONVEYANCE OF EASEMENTS\LICENSES

8.B.19.a. TO VIRGINIA ELECTRIC AND POWER COMPANY FOR UNDERGROUND CABLE TO PROVIDE SERVICE TO THE BERMUDA SCHOOLS SITE

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute easement and/or license agreements with Virginia Electric and Power Company for underground cable to provide service to the Bermuda Schools site. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

8.B.19.b. TO VERIZON VIRGINIA INCORPORATED FOR UNDERGROUND CABLE TO PROVIDE SERVICE TO THE BERMUDA SCHOOLS SITE

On motion of Mr. Warren, seconded by Mr. King, the Board authorized the Chairman of the Board of Supervisors and

the County Administrator to execute easement and/or license agreements with Verizon Virginia Incorporated for underground cable to provide service to the Bermuda Schools site. (It is noted a copy of the vicinity sketch is filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

8.B.20. INITIATION OF AN APPLICATION TO REZONE THE WINCHESTER FOREST SITE

On motion of Mr. Warren, seconded by Mr. King, the Board initiated an application to rezone the Winchester Forest site on properties listed in the papers of this Board; appointed Mr. Thomas Jacobson as the Board's agent; and waived zoning disclosure requirements.

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

The following items were removed from the Consent Agenda for Board discussion:

8.B.6. REQUEST FOR A MUSIC/ENTERTAINMENT FESTIVAL PERMIT FOR AMUSEMENT PROMOTIONS, INCORPORATED AND REITHOFFER SHOWS TO CONDUCT A CARNIVAL AT CLOVERLEAF MALL ON JUNE 7 THROUGH JUNE 17, 2007

Mr. Sowder stated he had a few complaints with the previous carnival held at Cloverleaf Mall and is uncomfortable approving this request so soon after the last permit was approved for the same organization. He further stated, although the carnival will benefit a worthwhile cause in the City of Richmond, it is his opinion that there are areas of Chesterfield around Cloverleaf Mall that could benefit from the funds raised by the carnival.

When asked, Mr. Sowder stated complaints from neighbors behind the mall included noise and lighting issues. He expressed concerns that the applicant is requesting that the hours of the carnival be extended to 11 p.m. on weekdays and midnight on Fridays and Saturdays.

Mrs. Humphrey stated she recalls requesting a list of charities that would benefit from the previously approved carnival to determine whether there were any charities in the Chesterfield community on the list.

Mr. Warren stated he did not think approving the first carnival was a good idea because the county is trying to turn Cloverleaf Mall into a first-class multi-use complex. He expressed concerns that allowing carnivals on the premises would send a mixed message to the residents.

Mr. Sowder made a motion, seconded by Mr. Warren, for the Board to deny the request to grant Amusement Promotions, Incorporated and Reithoffer Shows a music/entertainment festival permit for a carnival at Cloverleaf Mall on June 7 through June 17, 2007.

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

8.B.14.g. TO CONSIDER AMENDMENT OF THE THOROUGHFARE PLAN IN THE VICINITY OF THE BRANDY OAKS SUBDIVISION

Mrs. Humphrey stated she does not have a conflict with this issue under the Virginia Conflict of Interest Act, but she has been very careful not to participate in any discussion or voting involving the Thoroughfare Plan.

Mrs. Humphrey then excused herself from the meeting.

On motion of Mr. Warren, seconded by Mr. King, the Board set the date of June 27, 2007 at 6:30 p.m. for the Board to consider an amendment of the Thoroughfare Plan in the vicinity of Brandy Oaks Subdivision.

Ayes: Miller, King, Sowder and Warren.

Nays: None.

Absent: Humphrey.

Mrs. Humphrey returned to the meeting.

The following item was removed from the Consent Agenda for public comment:

8.B.18. CONSIDERATION BY THE BOARD OF SUPERVISORS OF THE DECISION OF THE PLANNING COMMISSION RECOMMENDING DENIAL OF AMENDMENTS TO THE UPPER SWIFT CREEK PLAN

Ms. Sandra Mitchell expressed concerns relative to pollution problems associated with the Swift Creek Reservoir and the potential tax impact to clean it up. She stated the Board must address the lack of informed planning, concomitant with environmental impact studies, the shortfall of infrastructure to support residential and business development, and double-digit property taxation. She expressed concerns relative to the Planning Commission's four-year delay of the environmental impact study for the Upper Swift Creek Plan. She requested that the Board stop any further development in the Upper Swift Creek area until the magnitude and source of the pollution problems are identified; prohibit the use of any fertilizers with phosphorous; establish steep fines for homeowners and businesses who do not comply; and establish a program focused on reducing pollution in the reservoir by working in concert with citizens and communities, who have for many years attempted to prevent pollution of the lake.

Mr. George Beadles expressed concerns relative to issues lingering for long periods of time in the Planning Commission. He stated, in his opinion, the Board should make a decision regarding the Upper Swift Creek Plan amendment rather than sending it back to the Planning Commission.

Ms. Susan Coffey, a resident of Lakepointe Subdivision, stated she does not support the proposal for increased taxes for residents of the Swift Creek Reservoir area to assist with cleaning up the reservoir.

Mr. Ramsey stated there is no tax increase recommended in the Plan amendment for phosphorous clean up of the reservoir or for transportation.

Ms. Coffey stated that is a good decision, and she hopes a newspaper article will reflect that.

No one else came forward to speak to the issue.

Mr. Warren requested that the County Administrator send a letter to Brandermill, Woodlake, Lakepointe and other area associations informing them that a tax increase is not proposed.

Mr. Sowder stated the residents have a right to complain that the Planning Commission has not addressed this issue in four years, and noted that he has heard from citizens that they have not had the opportunity for much input.

Mr. Sowder then made a motion to remand the Upper Swift Creek Plan back to the Planning Commission with a 60-day deadline to report back to the Board.

Mrs. Humphrey seconded Mr. Sowder's motion. She stated the Plan should be a working document that both residents and the business community can rely on, indicating that four years is entirely too long for something this significant to be incomplete. She noted that the Planning Commission does not have the taxing authority to impose assessment district language with a land use plan. She urged the citizens to follow this issue through the Planning Commission process.

Mr. Miller stated he strongly believes that the Planning Commission could have completed this Plan in four years, but he will support the request for 60 days.

In response to Mr. Miller's questions, Mr. Scott Flannigan, Senior Water Quality Analyst, stated the water quality issues are being worked on as part of the Watershed Master Plan. He further stated there are comments within the Upper Swift Creek Plan indicating that in the future there could be an ordinance developed to enable some of the language relative to water quality.

In response to Board members questions, Mr. Turner stated, in his opinion, the water quality issues can be addressed separately and the land use plan can be presented to the Board in 60 days. He further stated citizen meetings were held early on in the development of the Upper Swift Creek Plan, but the public has not had an opportunity to make comment on the Plan other than the one public hearing held by the Planning Commission on May 3, 2007. He noted there were many concerns expressed at that time relative to water quality, transportation and general infrastructure issues, but not a lot of discussion relative to the land use plan.

Mr. King stated the public will be able to address the Plan at the Board level. He further stated he will support a 60-day deferral, as long as it does not jeopardize the quality of the water for the residents of the Upper Swift Creek area.

In response to Mrs. Humphrey's questions, Mr. Flannigan stated staff has incorporated everything that is necessary in terms of water quality into the Upper Swift Creek Plan. He further stated staff will continue to work on the Watershed Master Plan, in exclusion of the new Upper Swift Creek Plan.

Mr. Warren stated both the Woodlake and Brandermill communities' Board of Directors have requested the 60-day deferral, indicating that they feel they have not had adequate time to address the issue. He noted it is not just the Planning Commission, but the citizens as well, who are requesting the deferral.

Mr. Miller stated he understands the residents' concerns, which are a result of the Planning Commission not involving them.

Mr. Sowder expressed concerns relative to the water quality issues that still exist. He stated he is hopeful that the Upper Swift Creek Plan will address not only land use, but water quality issues as well.

Mr. Ramsey stated the Board held a work session regarding the Watershed Master Plan, and a timetable was presented for the ordinances to be prepared and brought back to the Board. He noted that staff is following this schedule.

Mr. Miller called for a vote on the motion of Mr. Sowder, seconded by Mrs. Humphrey, for the Board to accept the Planning Commission's recommendation and remand the Upper Swift Creek Plan back to the Planning Commission with a 60-day deadline to report back to the Board to accomplish the following tasks: 1) Review proposed land uses and deferred growth area delineation and make recommendations for amendments to the existing plan; 2) Hold citizen meetings in the community for public input; and 3) Hold public hearings and forward any associated ordinance amendments to the Board of Supervisors.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

9. REPORTS

9.A. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS

9.B. REPORT ON STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

9.C. REPORT OF PLANNING COMMISSION SUBSTANTIAL ACCORD DETERMINATIONS

9.C.1. FOR NEW CINGULAR WIRELESS PCS, LLC (CASE 07PD0321) TO CO-LOCATE AN ANTENNA ON A VIRGINIA POWER STRUCTURE LOCATED OFF KINGSLAND ROAD, EAST OF BEULAH ROAD

9.C.2. FOR (MARC CORNELL) RICHMOND 20MHZ, LLC (CASE 07PD0325) TO CO-LOCATE AN ANTENNA ON A VIRGINIA POWER STRUCTURE LOCATED BETWEEN RAVEN WING AND ESCADA DRIVES

9.C.3. FOR CLEARWIRE US LLC (CASE 07PD0328) TO CO-LOCATE AN ANTENNA ON A VIRGINIA POWER STRUCTURE LOCATED ON PROPERTY SOUTH OF LUCKS LANE, EAST AND WEST OF WATER WILLOW DRIVE

9.C.4. FOR COUNTY OF CHESTERFIELD PUBLIC LIBRARIES (CASE 07PD0306) TO PERMIT A PUBLIC LIBRARY LOCATED ALONG THE WEST LINE OF COURTHOUSE ROAD ACROSS FROM SMOKETREE DRIVE

Mrs. Humphrey stated she is hopeful that representatives from Clearwire will introduce themselves to the Board some time soon. She further stated the Board has a relationship with all of the other telecommunication providers.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the following reports: a Report on Developer Water and Sewer Contracts; a Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvements Funds and Lease Purchases; a Report of Planning Commission Substantial Accord Determination for New Cingular Wireless PCS, LLC (Case 07PD0321) to Co-locate an Antenna on a Virginia Power Structure Located off Kingsland Road, East of Beulah Road; a Report of Planning Commission Substantial Accord Determination for (Marc Cornell) Richmond 20MHz, LLC (Case 07PD0325) to Co-locate an Antenna on a Virginia Power Structure Located Between Raven Wing and Escada Drives; a Report of Planning Commission Substantial Accord Determination for Clearwire US LLC (Case 07PD0328) to Co-locate an Antenna on a Virginia Power Structure Located on Property South of Lucks Lane, East and West of Water Willow Drive; and a Report of Planning Commission Substantial Accord Determination for County of Chesterfield Public Libraries (Case 07PD0306) to Permit a Public Library Located Along the West Line of Courthouse Road Across from Smoketree Drive.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

10. FIFTEEN-MINUTE CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS

No one had requested to address the Board at this time.

11. DINNER

On motion of Mr. King, seconded by Mr. Miller, the Board recessed to the Administration Building, Room 502, for dinner.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

Reconvening:

(It is noted Mr. Miller did not return to the meeting at this time.)

12. INVOCATION

Father Lou Ruoff, Pastor of Saint Ann Catholic, gave the invocation.

13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Mr. David Tesh, Fire and Emergency Medical Services Volunteer Recruitment and Retention Coordinator, led the Pledge of Allegiance to the flag of the United States of America.

13.B. CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(1), CODE OF VIRGINIA, 1950, AS AMENDED, TO DISCUSS THE NOMINEE OF THE POLICE CHIEF SELECTION COMMITTEE TO THE POSITION OF CHIEF OF POLICE

It was generally agreed to pass by this item until later in the agenda.

14. RESOLUTIONS

14.A. RECOGNIZING MAY 20-26, 2007, AS "EMERGENCY MEDICAL SERVICES WEEK" IN CHESTERFIELD COUNTY

Mr. David Tesh, Volunteer Recruitment and Retention Coordinator, introduced Mr. Aaron Chambers, representing Ettrick-Matoaca Volunteer Rescue Squad; Mr. John Rawlings, representing Manchester Volunteer Rescue Squad; Ms. Fran Phillips and Mr. David Ledlie, representing Forest View Volunteer Rescue Squad; Mr. Gary Frame, representing Bensley-Bermuda Volunteer Rescue Squad; Ms. Tammy Higgins, representing the Emergency Communications Center; and Battalion Chief Mike Harmon, representing Chesterfield Fire and Emergency Medical Services, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need twenty-four hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, injury prevention and the appropriate use of the EMS system will help reduce national health care costs; and

WHEREAS, emergency medical services providers have traditionally served as the safety net of America's health care system; and

WHEREAS, emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical

technicians, paramedics, firefighters, communications officers, educators, administrators, and others; and

WHEREAS, working together, these emergency medical services teams responded to 21,754 medical emergencies in 2006; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in many hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, the citizens and guests of Chesterfield County benefit daily from the knowledge and skills of these highly trained individuals; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of the emergency medical services providers from Chesterfield Fire and EMS, Chesterfield County's Emergency Communications Center, and the Volunteer Rescue Squads of Bensley-Bermuda, Ettrick-Matoaca, Forest View, and Manchester.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 23rd day of May 2007, publicly recognizes the week of May 20-26, 2007, as "Emergency Medical Services Week."

Ayes: Humphrey, King, Sowder and Warren.

Nays: None.

Absent: Miller.

Mrs. Humphrey presented executed resolutions to representatives from each of the rescue squads, Chesterfield Fire and EMS, and the Emergency Communications Center, and expressed appreciation for the valuable services provided by the county's emergency medical services providers.

Mr. Miller returned to the meeting.

14.B. RECOGNIZING MR. JOHN COGBILL, III FOR HIS SERVICE TO THE ECONOMIC DEVELOPMENT AUTHORITY OF CHESTERFIELD COUNTY

Mr. Davis introduced Mr. John Cogbill, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. John Cogbill, III has served with distinction as a member of the Economic Development Authority of Chesterfield County since July 1, 2003; and

WHEREAS, Mr. Cogbill has willingly served on other boards that benefited the county, such as the Commonwealth Transportation Board; and

WHEREAS, Mr. Cogbill has assisted in the development and marketing of Meadowville Technology Park and various other projects throughout the county; and

WHEREAS, Mr. Cogbill has faithfully and diligently performed the duties assigned to him as a member of the Economic Development Authority, consistently demonstrating leadership, sensitivity and commitment to the issues coming before the Authority during his tenure.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 23rd day of May 2007, publicly recognizes Mr. John Cogbill, III and expresses appreciation for his valuable time and commitment to Chesterfield County while serving on the Economic Development Authority of the County of Chesterfield, Virginia.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mr. Cogbill and that this resolution be recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

Mrs. Humphrey presented the executed resolution to Mr. Cogbill, accompanied by Mr. Davis, and expressed appreciation for his valuable contributions to the Economic Development Authority and for his family's contributions over the years to the county.

Mr. Cogbill expressed appreciation to the Board for allowing him to contribute in a small way to Chesterfield County and stated that his ability to serve the community honors his two sons and others who serve in the military.

14.C. RECOGNIZING THE MANCHESTER MIDDLE SCHOOL MATH TEAM ON ITS OUTSTANDING REPRESENTATION OF CHESTERFIELD COUNTY

Ms. Ruth introduced the coach and members of the Manchester Middle School Math Team, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, MATHCOUNTS is a national mathematics competition; and

WHEREAS, in Virginia, MATHCOUNTS is sponsored by the Virginia Society of Professional Engineers; and

WHEREAS, the mission of MATHCOUNTS is to increase enthusiasm and enhance achievement in middle school mathematics; and

WHEREAS, students in grades 6, 7 and 8 are eligible to compete; and

WHEREAS, the Manchester Middle School team, coached by Pamela Haner, took second place in the state MATHCOUNTS competition, held March 24th at Dominion Virginia Power's Innsbrook headquarters; and

WHEREAS, in addition to this success, team members also excelled in the American Mathematics Competition and earned

perfect scores individually and as a team in the Virginia Mathematics League; and

WHEREAS, members of the Manchester Middle School math team include Jason Kong, Jerome Mueller, Edward Tanner, Kevin Chen, Thomas Casalaspi, Juan Garavito, Jonathan Kim, and Kevin Renshaw; and

WHEREAS, all of these outstanding students have represented Chesterfield County well and have brought distinction to themselves, their school, and the county.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield Board of Supervisors, this 23rd day of May 2007, congratulates all members of the Manchester Middle School math team, and math coach Pamela Haner, on the achievements of the team, and wishes each of these fine mathematicians continued success.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Manchester Middle School, and that this resolution be recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

Mr. Warren presented executed resolutions to the Coach Haner and members of the Manchester Middle School math team, accompanied by Principal Carolyn Tisdale, congratulated them on their outstanding accomplishments, and wished the team continued success.

Ms. Haner expressed appreciation to the Board for the recognition, stated she is very proud of the students, and predicted that in three or four years at least one member of the team will compete on the United States Math Olympiad Team.

**15. REQUESTS FOR MANUFACTURED HOME PERMITS AND REZONING
PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE
FOLLOWING ORDER: - WITHDRAWALS/DEFERRALS - CASES WHERE
THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO
OPPOSITION - CASES WHERE THE APPLICANT DOES NOT ACCEPT
THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION
WILL BE HEARD AT SECTION 17**

07SN0210

In Bermuda Magisterial District, RICHARD M. ALLEN requests amendment of Conditional Use Planned Development (Case 87S090) and amendment of zoning district map relative to hours of operation. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies in a Neighborhood Business (C-2) District on 12.2 acres fronting approximately 760 feet on the north line of Iron Bridge Road, also fronting approximately 720 feet on the east line of Chalkley Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 779-653-7767 and 780-654-Part of 0821.

Mr. Turner stated the applicant has withdrawn Case 07SN0210 from consideration by the Board.

On motion of Mr. King, seconded by Mr. Warren, the Board acknowledged withdrawal of Case 07SN0210.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

07SN0287

In Matoaca Magisterial District, COMMONWEALTH CENTER III, LLC AND TCR MID ATLANTIC LAND ACQUISITION LIMITED PARTNERSHIP request amendment to rezoning (Case 98SN0137) and amendment of zoning district map relative to uses and Conditional Use to permit multifamily use. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use uses. This request lies in a Regional Business (C-4) District on 14.2 acres located in the southwest quadrant of the intersection of Commonwealth Centre and Brad McNeer Parkways. Tax ID 735-676-7611.

Mr. Turner stated the applicant has withdrawn Case 07SN0287 from consideration by the Board.

Mr. John Cogbill, representing the applicants, stated the county has been notified by letter that the applicants wish to withdraw Case 07SN0287 from consideration.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board acknowledged withdrawal of Case 07SN0287.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

04SN0224

In Matoaca Magisterial District, DOUGLAS R. SOWERS AND SUSAN S. SOWERS request rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 146 acres fronting approximately 750 feet on the east line of Lacy Farm Road, approximately 270 feet north of Ahern Road. Tax IDs 695-695-3122, 695-697-8107 and 696-695-7571.

Mr. Turner stated the applicant has requested a deferral of Case 04SN0224 until August 22, 2007.

Ms. Carrie Coyner, representing the applicant, requested a deferral of Case 04SN0224 until August 22, 2007.

Mr. Miller called for public comment.

Mr. Ted Lusch, a Moseley resident, expressed concerns that the applicant's representative indicated last month at the Planning Commission meeting that they were ready to proceed with the request and alluded to the fact that two of their

deferrals were at the request of the Planning Commission. He stated he does not think 30 days will change anything and requested that the Board hear the case rather than deferring it.

Ms. Kitty Snow stated the applicant's representative demanded last month that this case be resolved as the applicant had been delayed unnecessarily. She stated she is opposed to any more deferrals.

There being no one else to speak to the deferral, the public hearing was closed.

Mrs. Humphrey stated the subject property is encompassed in the Upper Swift Creek Plan, which the Board took action on this afternoon to require the Planning Commission to provide a recommendation to the Board within 60 days, indicating that that is the reason for the deferral request.

Mrs. Humphrey then made a motion, seconded by Mr. Sowder, for the Board to defer Case 04SN0224 until August 22, 2007.

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

Mr. Miller stated he hopes that this case can be acted upon in 90 days.

06SN0256

In Dale Magisterial District, HENRY E. MYERS, JR. (GENERAL PARTNER OF MYERS FAMILY PARTNERSHIP) requests rezoning and amendment of zoning district map from Agricultural (A) to Corporate Office (O-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 6.9 acres fronting approximately 840 feet on the south line of Lori Road, also fronting approximately 330 feet on the east line of Frith Lane and located in the southeast quadrant of the intersection of these roads. Tax ID 769-663-Part of 9114.

Mr. Turner stated Mr. Miller has requested a deferral of Case 06SN0256 until June 27, 2007.

Mr. Ben Myers, representing the applicant, stated the deferral is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the deferral.

Mr. Miller stated the deferral will provide him with additional time to thoroughly review the request, indicating that he hopes he will be ready to act on it in 30 days.

Mr. Miller then made a motion, seconded by Mr. King, for the Board to defer Case 06SN0256 until June 27, 2007.

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

07SN0255

In Midlothian Magisterial District, REBKEE PARTNERS WESTCHESTER requests rezoning and amendment of zoning district map from Agricultural (A) to General Industrial (I-2) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements and Conditional Use to permit commercial uses on property zoned General Industrial (I-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional employment center use. This request lies on 26.0 acres fronting approximately 1,490 feet on the north line of Midlothian Turnpike, east of Huguenot Springs Road; also fronting approximately 335 feet on the east line of Huguenot Springs Road, south of Dragonnade Trail. Tax ID 714-711-Part of 2160.

Mr. Turner stated Mr. Sowder has requested a deferral of Case 07SN0255 until July 25, 2007.

Mr. John Cogbill, representing the applicant, stated the deferral is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the deferral.

Mr. Sowder stated Economic Development has asked for additional information relative to this request, and the applicant has not had sufficient time to provide the requested information.

Mr. Sowder then made a motion, seconded by Mr. King, for the Board to defer Case 07SN0255 until July 25, 2007.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

07SN0268

In Matoaca Magisterial District, TONYA P. SIMINGTON requests Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-12) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.2 units per acre or less. This request lies on 0.5 acre and is known as 7100 Branched Antler Circle. Tax ID 727-671-3008.

Mr. Turner presented a summary of Case 07SN0268 and stated the Planning Commission and staff recommended approval, subject to conditions.

A citizen was present to speak to the request; therefore, it was moved to the end of the Consent Zoning Agenda.

07SN0281

In Clover Hill Magisterial District, BAYHILL DEVELOPMENT CORP. requests rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use uses. This request lies on 59.4 acres fronting approximately 880 feet on the east line of South Old Hundred Road across from Brandermill Parkway. Tax IDs 731-685-8002 and 732-685-4864.

Mr. Turner presented a summary of Case 07SN0281 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Jeff Geiger, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board approved Case 07SN0281 and accepted the following proffered conditions:

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Master Plan. The Textual Statement dated March 19, 2007 shall be the Master Plan. (P)
2. Cash Proffers. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit, for infrastructure improvements within the service district for the Property, \$15,600.00 per dwelling unit, if paid prior to July 1, 2007, or the amount approved by the Board of Supervisors, not to exceed \$15,600.00 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not

in addition to, any impact fees, in a manner as determined by the county. (B & M)

3. Utilities.

- a. The public water and wastewater systems shall be utilized.
- b. To provide two water feed connection points for this site and the adjacent Old Hundred Mill Subdivision Section "B", the developer shall connect the on-site water line to the existing eight (8) inch water line in Mill Meadow Drive and a second location to be determined by the developer's engineer and approved by the County Utilities staff.
- c. To the extent the development exceeds two hundred fifty-nine (259) dwelling units, the developer shall make all necessary adjustments to the sizing and slope of the existing sewer system in "Old Hundred Mill Subdivision Section B" to accommodate capacity for the development of up to three hundred (300) dwelling units on this property. (U)

4. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. Except for clearing for roads and utilities, any such timbering shall be phased to coincide with the phasing of development. (EE)

5. No Sole Access. No lots shall have sole vehicular access through Old Hundred Mill Subdivision. (P)

6. Overall Density. The aggregate density on the Property shall not exceed three hundred (300) dwelling units. (P)

7. Buffers. All required buffers shall be located within recorded open space. (P)

8. Materials. The exterior facades of all homes shall be of brick, stone or vinyl siding having a minimum thickness of 0.042 mils, or a combination of the foregoing. Masonite siding shall not be utilized. (P & BI)

9. Restrictive Covenant. The following restrictive covenants shall be recorded prior to, or in conjunction with, the recordation of any subdivision plat:

- a. The required Homeowners' association for the townhome development shall be responsible for the maintenance of the exteriors of homes as follows: (a) painting, repair, maintenance and replacement of gutters and downspouts; (b) maintenance of roofs, shingles, sheathing and felt; and (c) exterior building wall surfaces (exclusive of doors and windows).
- b. The style and color of any front-loading garage doors shall be designed to de-emphasize their appearance from the street through the use of

color, architectural elements and design, and architectural fenestration as determined by the Board of Directors or Architectural Review Committee of the required Homeowners' association.
(P)

10. Transportation.

- a. Direct vehicular access from the Property to Old Hundred Road shall be limited to one (1) public road that aligns Brandermill Parkway.
- b. To the extent not provided by others, the developer shall be responsible for:
 - i. the construction of right and left turn lanes at the intersection of Old Hundred Road and the approved public road intersection, based on Transportation Department standards;
 - ii. the full cost of traffic signalization, if warranted as determined by the Transportation Department, of the Brandermill Parkway/Old Hundred Road intersection; and
 - iii. dedication, free and unrestricted to and for the benefit of Chesterfield County, of any additional right-of-way (or easements) required to construct these improvements.
- c. Prior to any construction plan approval, a phasing plan for the improvements identified in Proffered Condition 10 shall be submitted to and approved by the Transportation Department.
- d. In conjunction with recordation of the initial subdivision plat, prior to any site plan approval, or within sixty (60) days from the date of a written request by the Chesterfield County Public Schools, whichever occurs first, that portion of right-of-way for the access road to the proposed Clover Hill High School as substantially shown on Exhibit A attached hereto and made a part hereof, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
- e. All roads that accommodate general traffic circulation, as determined by the Transportation Department, shall be constructed to VDOT standards and accepted into the State System.
- f. In conjunction with recordation of the initial subdivision plat, or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way along the easterly side of Old Hundred Road, measured from the existing centerline of that part of Old Hundred Road immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

11. Additional Landscaping. In order to substantially mitigate the view of the back of the townhomes as seen from the intersection of Old Hundred Road and Brandermill Parkway Extended, landscaping at two times the density of Perimeter Landscaping C as set forth in the Zoning Ordinance shall be provided within the thirty

(30) foot buffer for a distance of one hundred fifty (150) feet along Brandermill Parkway Extended from said intersection. (P)

12. Minimum Square Footage. Each dwelling unit shall have a minimum of one thousand five hundred (1,500) square feet of gross floor area. At the time of complete development, a minimum of sixty percent (60%) of the dwelling units shall have a minimum of one thousand seven hundred (1,700) square feet of gross floor area. The developer shall maintain a record of the gross floor area of each dwelling unit and shall provide such list when and as requested by the County. (P)
13. Construction Access. Mill Meadow Drive shall not be used as a construction access for the initial development of the Property. (P)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

07SN0283

In Bermuda Magisterial District, ELLMER PROPERTIES CHESTERFIELD II LLC requests rezoning and amendment of zoning district map from General Industrial (I-2) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 3.9 acres lying approximately 650 feet off the south line of Ruffin Mill Road approximately 1,500 feet east of Interstate 95. Tax ID 805-637-Part of 4128.

Mr. Turner presented a summary of Case 07SN0283 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

The applicant's representative was not present.

Mr. John Cogbill stated this request has been represented by Mr. Jeff Collins. He further stated he has worked on the case and knows that the applicant was comfortable with the Planning Commission's recommendation.

In response to Mr. Miler's question, Mr. Cogbill stated he believes he has the authority to speak for the applicant.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Sowder, the Board approved Case 07SN0283 and accepted the following proffered condition:

The public water and wastewater systems shall be used. (U)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

07SN0284

In Midlothian Magisterial District, PAGE DEVELOPMENT COMPANY requests rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general business uses. This request lies on 6.3 acres fronting approximately 250 feet on the southwest line of Old Buckingham Road approximately 420 feet northwest of Huguenot Road. Tax ID 739-709-6117.

Mr. Turner presented a summary of Case 07SN0284 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Andy Scherzer, representing the applicant, stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. Sowder, seconded by Mr. Warren, the Board approved Case 07SN0284 and accepted the following proffered conditions:

1. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
2. Direct vehicular access from the property to Old Buckingham Road shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. There shall be no vehicular access from the property to the driveway to the south that aligns with the Grove Road intersection at Route 60. (T)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

07SN0318

In Bermuda Magisterial District, WILLIAM HAMBRIGHT requests renewal of temporary manufactured home permit 00SR0182 to park a manufactured home in a Heavy Industrial (I-3) District. The density of such amendment is approximately five (5) units per acre. The Comprehensive Plan suggests the property is appropriate for general industrial use. This property is located at 8329 Haven Avenue. Tax ID 796-675-2588.

Mr. Turner presented a summary of Case 07SN0318 and stated staff recommended approval, subject to conditions.

Mr. William Hambright stated the recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved Case 07SN0318, subject to the following conditions:

1. William Hambright shall be the owner and occupant of the manufactured home. (P)
2. This temporary Manufactured Home Permit shall be granted for a period not to exceed seven (7) years from date of approval. (P)
3. No permanent type living space may be added onto this temporary manufactured home. (P)
4. This temporary manufactured home must be skirted and shall not be placed on a permanent foundation. (P)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

07SN0275

In Matoaca Magisterial District, JARED SWANSON requests Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-12) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 0.3 acre and is known as 13732 War Admiral Drive. Tax ID 729-669-4038.

Mrs. Humphrey stated the applicant was not present at the Planning Commission meeting.

Mr. Miller inquired whether the applicant was present.

No one came forward to represent the applicant.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board denied Case 07SN0275.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

07SN0265

In Matoaca Magisterial District, HICKORY ROAD LLC request rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88). Residential use of up to 0.5 units per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 53.9 acres fronting

approximately 990 feet on the south line of Hickory Road approximately 680 feet west of Graves Road. Tax ID 767-623-Part of 5010.

Mr. Turner presented a summary of Case 07SN0265 and stated staff recommended approval and acceptance of the proffered conditions. He further stated the Planning Commission recommended denial, on a vote of four to one.

Mr. Sam Ragsdale, representing the applicant, stated staff's recommendation is acceptable.

Mr. Miller called for public comment.

No one came forward to speak to the request.

Mrs. Humphrey stated the request is consistent with the Southern and Western Area Plan. She further stated she appreciates the large lots. She recognized the landowner, Mr. Kelly Shively, who was present at the meeting.

Mrs. Humphrey then made a motion, seconded by Mr. King, for the Board to approve Case 07SN0265 and accept the following proffered conditions:

1. Impacts on Capital Facilities: The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for infrastructure improvements within the service district for the property:
 - a. \$15,600 per dwelling unit, if paid prior to July 1, 2008. At the time of payment, the \$15,600 shall be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks, \$348 for library facilities, \$404 for fire stations, \$8,915 for roads; or
 - b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2007, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2008. The payment shall be allocated pro-rata as set forth above.
 - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
 - d. If Chesterfield County imposes impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. (B&M)
2. Timbering: Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved device has been installed. (EE)

3. Road Dedication: Prior to or in conjunction with recordation of the initial subdivision plat, or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way on the south side of Hickory Road, measured from the centerline of the part of Hickory Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
4. Road Improvements: To provide an adequate roadway system, the developer shall provide the following improvements with initial development of the property:
 - a. Construction of additional pavement along Hickory Road at the approved access to provide left and right turn lanes, if warranted, based on Transportation Department Standards.
 - b. Widening/improving the south side of Hickory Road to an eleven (11) foot wide travel lane, measured from the centerline of the existing pavement, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder and overlaying the full width of Hickory Road with one and one-half (1.5) inch of compacted bituminous asphalt concrete, with modifications approved by the Chesterfield County Transportation Department, for the entire property frontage.
 - c. Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
5. Density: The overall number of residential dwelling units on the property shall not exceed twenty two (22). (P)
6. Minimum Gross Floor Area: Each dwelling unit shall have a minimum gross floor area of two thousand (2,000) square feet. (P)
7. Architectural Features: All exposed portions of the foundations of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI & P)
8. Access: Direct vehicular access from the property to Hickory Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. (T)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

Mr. Miller requested that the Clerk call the Closed Session item that was previously passed by at this time.

**13.B. CLOSED SESSION PURSUANT TO SECTION 2.2-3711(A)(1),
CODE OF VIRGINIA, 1950, AS AMENDED, TO DISCUSS THE
NOMINEE OF THE POLICE CHIEF SELECTION COMMITTEE TO THE
POSITION OF CHIEF OF POLICE**

Mr. Ramsey stated the Police Chief Selection Committee had hoped to complete its work today to coordinate with the Board meeting and bring forward a recommendation for the position of Police Chief. He further stated the committee has not completed its work and due diligence to bring a recommendation to the Board today. He requested that the Board cancel the Closed Session, and the issue will be taken up at the next Board meeting.

On motion of Mr. King, seconded by Mr. Sowder, the Board deleted from the Agenda Item 13.B., Closed Session Pursuant to Section 2.2-3711(A)(1), Code of Virginia, 1950, as amended, to discuss the nominee of the Police Chief Selection Committee to the position of Chief of Police.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

07SN0268

In Matoaca Magisterial District, TONYA P. SIMINGTON requests Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-12) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.2 units per acre or less. This request lies on 0.5 acre and is known as 7100 Branched Antler Circle. Tax ID 727-671-3008.

Ms. Beverly Rogers presented a summary of Case 07SN0268 and stated the Planning Commission and staff recommended approval, subject to conditions.

Ms. Tonya Simington stated she has operated her day care for nine years and would like to defer her comments until the community's concerns have been voiced.

Mr. Miller called for public comment.

Mrs. Martha Stewart stated she is speaking on behalf of nine homeowners who live on the Branched Antler Circle cul-de-sac. She expressed concerns relative to increased traffic and noise, as well as parking issues as a result of increased clients at the day care. She stated the homeowners do not support the request.

Ms. Simington stated she is licensed by the Department of Social Services for approximately 12 children. She further stated no changes are proposed to the property. She stated she works hand in hand with United Way's Success by Six Program and is currently working towards accreditation with the National Association for Family Child Care. She further stated she provides a valuable service to the community, which is clearly needed. She noted the ratio of child to providers is low, enabling the children to receive more individual attention. She stated the day care is affordable, multi-ethnic, and has a favorable proximity.

Seven people stood in support of the request.

Mrs. Humphrey stated the physical location of the day care does not pose a problem at the end of the cul-de-sac. She further stated there is a challenge with the stop sign when you enter this segment of Deer Run and requested that the Police Department look at the visibility of the sign. She stated the traffic concerns mentioned by Mrs. Stewart are legitimate, but she is unsure whether they are a result of the day care.

In response to Mrs. Humphrey's questions, Ms. Simington stated there are currently 12 children in the day care, and she will not be adding any additional children. She further stated she needs the zoning approval to keep 12 children on the premises.

Mrs. Humphrey stated it is very rare for an in-home day care business to receive national accreditation.

In response to Mrs. Humphrey's questions, Ms. Simington stated the children are from ten area families, two of which are within walking distance. She noted that the children arrive and leave at staggered times, and she has a lengthy driveway, which keeps traffic jams from occurring.

Mrs. Humphrey stated she does not think approval of the request would have a catastrophic impact on the neighborhood based on what is already there. She further stated the Deer Run neighborhood has a variety of day cares.

Mr. Miller expressed concerns that Ms. Simington has been operating illegally by keeping 12 children, when the zoning ordinance only allows 5.

There being no one else to speak to the request, the public hearing was closed.

Mrs. Humphrey made a motion, seconded by Mr. Sowder, for the Board to approve Case 07SN0268, subject to the conditions.

Mr. Miller stated he will not support the request because of opposition from the neighborhood.

Mr. King stated he will not support the request because the day care has been operating illegally.

Mr. Miller called for a vote on the motion of Mrs. Humphrey, seconded by Mr. Sowder, for the Board to approve Case 07SN0268, subject to the following conditions:

1. This Conditional Use shall be granted to and for, Tonya P. Simington, exclusively, and shall not be transferable nor run with the land. (P)
2. There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. There shall be no signs permitted to identify this use. (P)

Ayes: Humphrey, Sowder and Warren.

Nays: None.

Abstain: Miller and King.

Mrs. Stewart inquired about the opportunity for the residents to appeal the Board's decision.

Deputy County Attorney Jeff Mincks stated an appeal can be made to the Circuit Court, indicating that the appeal process can be found in the county's zoning ordinance.

06SN0215 (Amended)

In Matoaca Magisterial District, W. V. MCCLURE INC. requests rezoning and amendment of zoning district map from Agricultural (A) and Multifamily Residential (R-MF) to Community Business (C-3) of 69.9 acres with Conditional Use to permit multifamily and townhouse uses and rezoning from Agricultural (A) to Multifamily Residential (R-MF) of 8.7 acres plus Conditional Use Planned Development on the entire 78.6 acres to allow exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor uses. This request lies on 78.6 acres fronting approximately 1,700 feet on the north line of Cosby Road; also fronting approximately 1,300 feet on the east line of Otterdale Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 712-670-4080; 712-671-8544; 713-671-1799, 2000, 2660, 4107 and 7682; and 713-672-Part of 1358.

Ms. Rogers presented a summary of Case 06SN0215 and stated the Board received an amended proffered condition today correcting the date of the Textual Statement. She further stated an east-west roadway that currently exists coming out of Woodlake, which has been dedicated through the Cosby High School site, is proposed to be extended through the subject property back out to Otterdale Road, creating an east-west thoroughfare road to accommodate traffic between Woodlake and Otterdale without the necessity to utilize Route 360. She stated staff and the Planning Commission, on a vote of three to two, recommended denial, noting that the proposed commercial zoning and land uses proposed along Otterdale Road are not in compliance with the Upper Swift Creek Plan. She further stated the Planning Commission expressed concerns that the application failed to address area road needs and phasing of development based upon area road improvements.

Mr. John Cogbill, representing the applicant, provided details of the proposed development. He stated when the Board approved the Greenwich Walk development, which is located north of the subject property, an agreement was included to extend an east-west connector road from Woodlake to Cosby High School, and then to Otterdale Road. He noted that the extension cannot be made unless this case is approved, indicating that half of it will be constructed by the applicant. He discussed differences between staff's and the applicant's interpretation of the Upper Swift Creek Plan relative to the proposed mixed-use corridor and topographical features of the subject property. He provided details of the types of uses the applicant has proposed for the commercial mixed-use node of the project and stated the applicant has limited the commercial node to C-2 uses and internally focused it so that any commercial use should be oriented away from Otterdale Road to create an internal focus and avoid

typical strip development. He stated, in his opinion, the proposal is consistent with the Upper Swift Creek Plan. He further stated the applicant has met the county's design standards and employed smart growth principles. He stated the project encompasses 78 acres, no more than 10 of which are commercial; the full cash proffer has been offered, with the exception of the age-restricted units, consistent with the Board's policy; the total cash proffer amounts to approximately \$12 million; and the transportation cash proffer provides the option of having \$1 million up front at the issuance of the first building permit or to allow the applicant to do off-site work, which would not otherwise be done, to eliminate a dangerous curve on Otterdale Road. He stated the applicant has provided additional water resources so that the water pressure for Foxcroft would be improved. He stated the Planning Commission noted that the proposal represents desired mixed-use development. He further stated the Planning Commission had expressed concerns relative to the transportation proffers, which were addressed by Mr. McCracken. He stated Mr. Bass had requested a deferral, but the applicant could not accommodate that because the assisted living portion of the development was ready to go and needs to move forward. He provided the Board with a copy of a letter of support from the President of Foxcroft Homeowners Association. He requested the Board's approval of the proposed development.

In response to Mr. Warren's question, Mr. Cogbill stated one of the Planning Commissioners inquired if the applicant would be willing to modify the proffers relating to transportation prior to the Board meeting, and the applicant indicated that he would entertain this. He further stated the applicant did not hear back from the Commission regarding the relevancy of this request and, therefore, did not move forward on it.

Mr. Miller called for public comment.

Mr. Henry Gill stated he and his wife have owned the subject property for over 50 years, and in their opinion, the proposed development would be beneficial to the community.

Mr. Norm Sadler, a resident of Cosby Road, stated he supports the request.

Ms. Kitty Snow expressed concerns relative to dangerous road conditions and school overcrowding in the vicinity of the proposed development. She requested that the Board support the Planning Commission and Planning staff by denying the request.

Mr. Mark Hirth, representing Smith/Packet, stated he supports the request. He further stated Smith/Packet currently has an agreement with the applicant to purchase 20 acres of the overall proposed project for the development of a senior residential village.

Mr. George Bryant, representing the property owner to the north of this project, stated the applicant has worked very hard with the Greenwich Walk developer to try to integrate plans and provide an alternate route into the high school. He further stated it makes sense to approve the request, indicating that the integration of this project with area

projects represents smart growth techniques. He requested the Board's support of the proposed development.

Ms. Andrea Epps stated she supports the request because the proposed connector road will alleviate traffic in the area.

Mr. Mike Harten, President of the Responsible Growth Alliance of Chesterfield County, expressed concerns that issues raised in a position paper that the Alliance provided to the Board five years ago regarding traffic, schools and environment have not been addressed, indicating that there is now increased stress in each of these areas. He stated he appreciates the work of the design team to come up with new approaches to development, noting that the assisted living facility and connector road are very positive. He expressed concerns relative to the seriousness of diverting increased traffic in the residential area and placing it onto Otterdale Road, and eventually onto Hull Street. He stated there are issues between Planning staff and the developer, which have not been adequately addressed, and urged the Board not to approve the request until the issues have been addressed.

Ms. Marleen Durfee stated there is a need for more commercial development to offset the residential development in the Upper Swift Creek area. She further stated the assisted living component of the development is very much needed. She expressed concerns relative to balancing of the number of units. She stated she thinks the case is moving in the direction of the type of smart growth that the county is beginning to look for, but expressed concerns that the road is being proposed as an alternative to take traffic off of Hull Street. She suggested that additional dialogue needs to occur between staff and the applicant.

Mr. C. L. Morrisette, Jr. stated Otterdale Road is a constant thorn in everyone's side. He suggested that the Board consider using transportation cash proffers to make the necessary improvements to Otterdale Road.

There being no one else to speak to the request, the public hearing was closed.

Mr. Cogbill stated the proposal will improve traffic concerns by allowing school traffic to use the connector road to access the high school. He further stated the applicant is also offering to correct the most dangerous curve on Otterdale Road, or will provide money up front to allow the Transportation Department to address traffic concerns in other ways, if they chose to. He stated the project will utilize the regional BMP that was installed with the Greenwich Walk project. He expressed concerns relative to delay, noting that the request was filed in 2005 and the applicant has held two citizen meetings and worked diligently to address concerns of the neighborhood. He stated Cosby Village will partner with the county, by providing roadwork and imposing environmental standards by reducing the amount of impervious service. He further stated Mr. McClure is a quality developer who is offering a quality project that will alleviate problems in this area of the county. He requested the Board's approval of the proposed development.

Mrs. Humphrey stated this area is in need of an assisted living facility. She further stated she has no questions

about the land use application, which in her opinion is consistent with the current and proposed Upper Swift Creek Plan. She stated Otterdale Road is in need of great help. She noted that the Board will be considering either a CDA or a transportation service district for road improvements to serve Magnolia Green, and that proffered conditions from a combination of zoning cases will result in improvement of some critical sections of Otterdale Road. She stated the issue is whether the commercial component will face the assisted living facility or Otterdale Road.

Mr. Warren acknowledged that there are a lot of positives with the case.

In response to Mr. Warren's questions, Mr. McCracken provided details of the discussion that evolved at the Planning Commission meeting regarding a proposed service district for Magnolia Green and the potential for a CDA to fund a portion of Otterdale and Woolridge Roads improvements and what would happen with the improvements proposed by the developer if the Board was successful in approving the CDA for Magnolia Green. He stated the important thing is that Otterdale Road is going to be fixed, and staff does not care whether this developer gets the benefit or Magnolia Green gets the benefit. He further stated this is not unusual from other zoning cases, whereby a developer might come through and do a road project for which another developer is obligated, noting that staff does not care how the project is completed. He stated he sees the transportation proposal as providing another link in the Thoroughfare Plan, as well as providing cash proffers that would be in the county's best use to help fund improving Woolridge Road across the reservoir, if the county is successful in approving the CDA. He noted this is the reason staff requested two options for the transportation proffer.

Discussion evolved relative to the two options for transportation proffers.

In response to Mr. Warren's question, Mr. McCracken stated the proposed transportation proffers represent a positive move forward.

In response to Mr. King's question, Mr. McCracken stated the proffered condition offers the latitude to use \$1 million to address road improvements on the causeway.

Mr. Sowder stated he thinks it is unprecedented for a developer to offer \$1 million for the county to use at its discretion to solve problems on Otterdale Road or wherever it chooses to do so. He further stated he sees this as a step forward.

Discussion ensued relative to staff's interpretation of the land use plan relative to commercial uses on the subject property.

Ms. Rogers stated although staff supports the integration of commercial and residential uses, it is staff's estimation that the commercial node is the existing commercial zoning that exists, and the applicant wishes to cross over Cosby Road and have a commercial node on the north side of Cosby Road. She further stated staff is concerned about placing further commercial development along Otterdale Road. She

noted that there is a pending commercial case directly across Otterdale Road that staff is also concerned about.

On motion of Mr. Sowder, seconded by Mrs. Humphrey, the Board suspended its rules to allow for the amended proffered condition.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

Mrs. Humphrey stated she does not entirely agree with staff's interpretation of the Plan through this section of Hull Street. She further stated she has heard from residents that the commercial component in this area needs to be enhanced, and the applicant is proposing additional commercial uses. She stated the applicant still has some work to do with staff and the community during the site planning process. She further stated she is optimistic that Otterdale Road has a funding source. She stated all of the developers in the Otterdale/Woolridge Road Corridor have provided funding that will be used for the next comprehensive road project in the county. She further stated she is not opposed to the commercial component and thinks the assisted living component is a critical need.

Mrs. Humphrey then made a motion, seconded by Mr. Miller, for the Board to approve Case 06SN0215.

Mr. Warren stated, although both the Planning Commission and staff recommended denial, Mr. Bass was suggesting a deferral of this request based on another case that could be coming forward. He further stated, when you look at the details of the case, it represents a net gain.

Mr. Miller stated he agrees that this is a quality project, and in his opinion, if the commercial component is constructed in the appropriate fashion, it should be a favorable addition to the area.

Mr. Miller called for a vote on the motion of Mrs. Humphrey, seconded by Mr. Miller, for the Board to approve Case 06SN0215 and accept the following proffered conditions:

The Owners and the Developers for themselves and their successors or assigns (the "Developer") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, proffer that the development of the property known as Chesterfield County Tax Identification Numbers 712-670-4080, 712-671-8544, 713-671-1799, 713-671-2000, 713-671-2660, 713-671-4107, 713-671-7682, and 713-672-1358 (part) ("Tracts A, B, C, and D") under consideration will be developed according to the following conditions if, and only if, the rezoning request for C-3 with a conditional use (CU) and with a conditional use planned development (CUPD) and R-MF with a conditional use planned development (CUPD) is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect.

THE FOLLOWING PROFFERS SHALL APPLY ONLY TO TRACTS A, B, AND C.

This application contains one exhibit for Tracts A, B, and C described as follows:

Exhibit C - Plan titled "Cosby Village, Statement of Proffers" prepared by Windswept, and last revised 2/26/07.

1. Master Plan. The Textual Statement dated November 13, 2006, last revised April 2, 2007, shall be considered the Master Plan. (P)
2. Utilities.
 - A. The public water and wastewater systems shall be used, except for temporary sales and/or construction office trailers.
 - B. Unless undertaken by others, the Developer shall complete the following prior to issuance of the first building permit for Tracts A, B, and C:
 - (i) Construction of a 16" water line along Otterdale Road, from Foxcreek Crossing to the future east-west connector road.
 - (ii) Construction of a water line along the future east-west connector road, between the 16" water line in Otterdale Road (B.(i) above) and the existing 8" water line around the Cosby Road High School building.
 - (iii) Dedication of a water line easement along the Otterdale Road frontage of Tracts B and C.
 - C. Prior to issuance of the 251st building permit for Tracts A, B, and C, the Developer shall construct a 16" water line along Otterdale Road, from the future east-west connector road to Cosby Road.
 - D. The tentative subdivision plan and/or site plan for Tracts A, B, and C shall identify future easements and access points to the on-site wastewater collection system for the following properties: GPIN's 713-670-0110, 713-670-6548, 714-670-5767, 714-670-3070, and 714-671-1931. (U)
3. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on Tracts A, B, and C until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
4. Cash Proffers. In addition to the Transportation Contribution described in Proffered Condition 11, the Developer of Tracts A, B, and C shall pay the following to the County of Chesterfield prior to the issuance of a building permit for infrastructure improvements within the service district for Tracts A, B, and C:
 - A. \$6,685 per dwelling unit, if paid prior to July 1, 2007. At the time of payment, \$6,685 will be allocated pro-rata among the facility costs as

follows: \$5,331 for schools, \$602 for parks, \$348 for libraries, and \$404 for fire stations. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$6,685 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made after June 30, 2007. Payments in excess of \$6,685 shall be prorated as set forth above.

- B. Provided, however, that if any building permits issued on Tracts A, B, and C are for senior housing, as defined in the proffer on age-restriction, the Developer of Tracts A, B, and C shall pay \$1,354.00 per unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for Tracts A, B, and C if paid prior to July 1, 2007. The \$1,354.00 for any units developed shall be allocated pro-rata among the facility costs: \$602 for parks, \$348 for library facilities, and \$404 for fire stations. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$1,354.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007. Payments in excess of \$1,354 shall be prorated as set forth above.
 - C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to Tracts A, B, and C, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the county.
(B&M)
- 5. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein.
(P)
 - 6. Senior Housing. Any dwelling units designated for senior housing as defined in Proffered Condition 5 shall be noted on the site plan or subdivision plat. Such dwelling units shall be grouped together as part of the same development section(s). (P)
 - 7. Dedication. The following rights-of-way on Tracts A, B, and C shall be dedicated, free and unrestricted, to Chesterfield County prior to any site plan, in conjunction with recordation of the initial subdivision plat, or within sixty (60) days from a written request

by the Transportation Department, whichever occurs first.

- A. Forty-five (45) feet of right-of-way on the east side of Otterdale Road, measured from the centerline of that part of Otterdale Road immediately adjacent to Tracts B and C.
- B. A seventy (70) foot wide right-of-way for the east/west collector (the "East-West Road") from Otterdale Road to the eastern property line. The exact location of this right-of-way shall be approved by the Transportation Department. (T)

8. Access.

- A. Direct vehicular access from Tracts A, B, and C to Otterdale Road shall be limited to the East-West Road and one secondary entrance/exit or public road (the "Secondary Access"), with the exact locations of these accesses approved by the Transportation Department.
- B. Prior to any site plan or subdivision plan approval, an access plan for the East-West Road shall be submitted to and approved by the Transportation Department. Access from Tracts A, B, and C to the East-West Road shall conform to the approved access plan.
- C. No direct vehicular, except for emergency or construction, access shall be provided from Tracts A, B, and C to existing Cosby Road. (T)

9. Road Improvements. The Developer of Tracts A, B, and C shall be responsible for the following improvements. If any of the improvements are provided by others, as determined by the Transportation Department, then the specific required improvement shall no longer be required by the Developer of Tracts A, B, and C.

- A. Widening/improving the east side of Otterdale Road for the entire Property frontage to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and one half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department.
- B. Construction of two lanes of the East-West Road, to VDOT Urban Collector (40 MPH) standards with any modifications approved by the Transportation Department, from Otterdale Road to the existing western terminus of Village Square Parkway. The exact location, length, and design of this improvement shall be approved by the Transportation Department.
- C. Construction of left and right turn lanes along Otterdale Road at the East-West Road intersection,

if warranted, based on Transportation Department standards.

- D. Construction of left and right turn lanes along the East-West Road at each approved access, if warranted, based on Transportation Department standards.
 - E. Construction of left and right turn lanes along Otterdale Road at the Secondary Access intersection, if warranted, based on Transportation Department standards.
 - F. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Developer is unable to acquire any "off-site" right-of-way that is necessary for the road improvements described in this Proffered Condition, the Developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
10. Phasing Plan. Prior to any site plan or subdivision plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 9, shall be submitted to and approved by the Transportation Department.
11. Transportation Contribution. The Developer of Tracts A, B, and C shall be responsible for one (1) of the following alternatives, to be selected by the Transportation Department within ninety (90) days of approval of this request.
- A. Alternative 1. The developer shall pay to Chesterfield County, prior to the issuance of the building permit for the initial dwelling unit, the amount of \$1,007,395. Prior to the issuance of each building permit for a dwelling unit in excess of a cumulative total of 113, the developer shall pay to Chesterfield County the amount of \$8,915 per dwelling unit. If the amounts above are paid after June 30, 2007, then each amount paid shall be adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made.
 - B. Alternative 2:
 - (i) Prior to the issuance of a building permit, the developer shall pay to Chesterfield County the amount of \$8,915 per dwelling unit (the

"Transportation Contribution"). If the amount above is paid after June 30, 2007, then each amount paid shall be adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made.

(ii) The developer shall, prior to recordation and/or site plan approval of a cumulative total of two hundred and fifty (250) lots and/or dwelling units, reconstruct Otterdale Road to VDOT Urban Minor Arterial standards with a 50 mph design speed, with any modifications approved by the Transportation Department, from Point A to Point B as generally shown on Exhibit C (the "Improvements"). The exact design, location and length of the Improvements shall be approved by the Transportation Department. The developer shall receive a credit towards the Transportation Contribution in an amount not to exceed the cost to construct the Improvements so long as the cost is of equal or greater value than that which would have been collected through the payment(s) of the Transportation Contribution as determined by the Transportation Department. For the purposes of this proffer, the costs shall include, but not be limited to, the cost of right-of-way acquisition, design costs, engineering costs, costs of relocating utilities, environmental mitigation, and actual costs of construction (including labor, materials, overhead, and any overruns or change orders) ("Work"). Before any Work is performed, the developer shall receive prior written approval by the Transportation Department for any credit amount.

(iii) In the event the Developer is unable to acquire the necessary right-of-way for Alternative 2, the Developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer but shall be eligible for credit towards the Transportation Contribution as outlined above. In the event the County chooses not to assist the Developer in acquisition of the right-of-way, the Developer shall be relieved of the obligation to provide the improvements set forth in Alternative 2; however, the Developer shall continue to pay the Transportation Contribution as outlined in Proffered Condition 11.B.(i). (T and B&M)

12. Density. The maximum number of dwelling units permitted on Tracts A, B, and C shall be 700 and commercial uses shall be limited to a maximum of ten (10) acres. (P)

13. Buffers. The following buffers shall be provided:

- A. A fifty (50) foot buffer shall be provided adjacent to Otterdale Road. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers provided, however, the Developer of Tracts A, B, and C may request that the Planning Commission modify the buffer requirement at the time of site plan review or subdivision review in accordance with Zoning Ordinance section 19-52.
 - B. A minimum thirty-five (35) foot buffer shall be provided adjacent to the East-West Road. This buffer shall conform to the requirements of the Zoning Ordinance for thirty five (35) foot buffers provided, however, the Developer of Tracts A, B, and C may request that the Planning Commission modify the buffer requirement at the time of site plan review or subdivision review in accordance with Zoning Ordinance section 19-521.
 - C. All required buffers shall be located within recorded open space. (P)
14. Public Streets. All streets that accommodate general traffic circulation through Tracts A, B, and C, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. (T)

THE FOLLOWING PROFFERS SHALL APPLY ONLY TO TRACT D.

15. Master Plan. The Textual Statement dated November 13, 2006, last revised April 2, 2007, shall be considered the Master Plan. (P)
16. Utilities. The public water and wastewater systems shall be used, except for sales facilities and/or construction offices. (U)
17. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on Tract D until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
18. Cash Proffers. The Developer of Tract D shall pay the following to the County of Chesterfield prior to the issuance of a building permit for infrastructure improvements within the service district for Tract D:
- A. \$15,600 per dwelling unit located in Tract D, if paid prior to July 1, 2007. At the time of payment, the \$15,600 will be allocated pro-rata among the facility costs as follows: \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, \$5331 for school facilities, and \$404 for fire stations.
 - B. Provided, however, that if any building permits issued on Tract D are for senior housing, as defined in the proffer on age-restriction, the Developer of Tract D shall pay \$10,269 per dwelling unit if paid prior to July 1, 2007, or the amount

approved by the Board of Supervisors, not to exceed \$10,269 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007. At the time of payment, the \$10,269 will be allocated pro-rata among the facility costs as follows: \$602 for parks and recreation, \$348 for library facilities, \$8,915 for roads, and \$404 for fire stations. Payments in excess of \$10,269 shall be prorated as set forth above.

C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to Tract D, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the county. (B&M)

19. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein. (P)

20. Senior Housing. Any dwelling units designated for senior housing as defined in Proffered Condition 18 shall be noted on the site plan. Such dwelling units shall be grouped together as part of the same development section(s). (P)

21. Dedication. A seventy (70) foot wide right-of-way for the east/west collector (the "East-West Road") through Tract D or in an alternate location acceptable to the Transportation Department shall be dedicated, free and unrestricted, to Chesterfield County prior to any site plan and/or subdivision approval or within sixty (60) days from a written request by the Transportation Department, whichever occurs first. The exact location of this right-of-way shall be approved by the Transportation Department. (T)

22. Access. Prior to any site plan approval, an access plan for the East-West Road shall be submitted to and approved by the Transportation Department. Access from Tract D to the East-West Road shall conform to the approved access plan. (T)

23. Road Improvements. To provide an adequate roadway system, the Developer shall be responsible for the following improvements. If any of the improvements are provided by others, as determined by the Transportation Department, then the specific required improvement shall no longer be required by the Developer.

A. Construction of two lanes of the East-West Road, to VDOT Urban Collector (40 MPH) standards with any modifications approved by the Transportation

Department, through Tract D or in an alternate location acceptable to the Transportation Department. The exact location of this road shall be approved by the Transportation Department.

- B. Construction of left and right turn lanes along the East-West Road at each approved access to Tract D, if warranted, based on Transportation Department standards.
 - C. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Developer is unable to acquire any "off-site" right-of-way that is necessary for the road improvements described in this Proffered Condition, the Developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department.
 - D. Prior to any site plan approval, a phasing plan for the required road improvements shall be submitted to and approved by the Transportation Department.
(T)
24. Density. The maximum number of dwelling units permitted on Tract D shall be 75. (P)
25. Buffers. The following buffers shall be provided.
- A. A minimum thirty-five (35) foot buffer shall be provided adjacent to the East-West Road. This buffer shall conform to the requirements of the Zoning Ordinance for thirty five (35) foot buffers provided, however, the Developer of Tract D may request that the Planning Commission modify the buffer requirement at the time of site plan review or subdivision review in accordance with Zoning Ordinance section 19-521.
 - B. All required buffers shall be located within recorded open space. (P)
26. Public Streets. All streets that accommodate general traffic circulation through Tract D, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System, except that if a third access road is required under Section 19-111 (h) it may be private. (T)
27. Virginia Condominium Act. All dwelling units on Tract D shall be condominiums as defined and regulated by the Virginia Condominium Act, and all common areas and

improvements therein shall be maintained by a condominium association. (P)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

Mr. Miller requested a ten-minute recess.

Reconvening:

07SN0136

In Matoaca Magisterial District, PRISTINE DEVELOPMENT LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 189 acres fronting in two (2) places for approximately 670 feet on the north line of Duval Road approximately 1,650 feet west of Otterdale Road. Tax IDs 704-678-Part of 4771 and 705-680-3057.

Ms. Rogers presented a summary of Case 07SN0136 and stated staff and the Planning Commission, on a vote of three to one with one abstention, recommended approval of the rezoning and acceptance of the proffered conditions. She noted that the proposed zoning and land uses conform to the Upper Swift Creek Plan. She stated the Planning Commission recommended approval of the waiver to street connectivity. She stated staff has recommended denial of the waiver to street connectivity requirements between portions of the development because evaluation of the policy criteria for granting such relief can best be provided through the subdivision review process.

Mr. John Easter, representing the applicant, stated the applicant has offered \$6 million in cash proffers and road improvements, including an agreement to rebuild a dangerous portion of Otterdale Road upfront, although it is located 1.5 miles from the subject property.

Mr. Miller called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board approved the waiver to street connectivity requirements between northern and southern portions of the development in Case 07SN0136 across the perennial stream.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

Mrs. Humphrey then made a motion, seconded by Mr. Sowder, for the Board to approve Case 07SN0136 and accept the following proffered conditions:

The applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950) (as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns (the "Applicant"), proffers that the property under consideration (the "Property") will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the Applicant. In the event this request is denied or approved with conditions not agreed to by the Applicant, the proffers shall immediately be null and void and of no further force or effect:

1. Master Plan. The textual statement dated December 27, 2006 shall be considered the Master Plan. (P)
2. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Public Water and Wastewater. The public water and wastewater systems shall be used. (U)
4. Density. The total number of residential dwelling units on the Property shall not exceed two (2) units per acre. (P)
5. Impacts on Capital Facilities. The Applicant, subdivider, or assignee(s) ("Developer") shall pay the following to the County of Chesterfield for infrastructure improvements within the service district for the property:
 - a. For each of the first 175 building permits within the Property, in addition to any transportation improvements in accordance with proffered condition 8c, the following payment shall be made prior to issuance of each building permit:
 - i) If payment is made prior to July 1, 2007, \$6,685.00 per dwelling unit. At time of payment, \$6,685.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, \$404.00 for fire stations, and \$5,331.00 for schools; or
 - ii) If payment is made after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$6,685.00 per dwelling unit pro-rated as set forth in Proffered Condition 5(a)(i) above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made.
 - b. For each building permit within the Property in excess of a cumulative total of 175, the payment shall be as follows:

- i) If payment is made prior to July 1, 2007, \$15,600.00 per dwelling unit. At time of payment, \$15,600.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, \$8,915.00 for roads and \$404.00 for fire stations and \$5,331.00 for schools; or
 - ii) If payment is made after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit pro-rated as set forth in Proffered Condition 5(b)(i) above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made.
 - iii) Payment for any roads portion of this cash proffer shall be made for each lot prior to recordation of the subdivision section in which the lot is located. Payment for the remainder of the cash proffer for each lot shall be made prior to issuance of the building permit for that lot.
- c. In the event the transportation improvements specified in proffered condition 8c are provided, not by the Developer, but by others, as determined by the Transportation Department, then, notwithstanding the provisions of Proffered Condition 5a, for each building permit within the Property, regardless of the cumulative number of building permits, payments shall be made in accordance with Proffered Conditions 5b(i), 5b(ii), and 5b(iii) above.
- d. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.

- e. If Chesterfield County imposes impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. (B & M)
- 6. Road Dedication. Prior to or in conjunction with recordation of the initial subdivision plat, or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way on the north side of Duval Road, measured from the centerline of that part of Duval Road immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
- 7. Vehicular Access to Duval Road. Direct vehicular access from the Property to Duval Road shall be limited to two (2) public roads. The exact locations of these accesses shall be approved by the Transportation Department. (T)
- 8. Road Improvements. To provide an adequate roadway system, the Developer shall provide the following road improvements in accordance with a phasing plan approved by the Transportation Department:
 - a. Construction of additional pavement along Duval Road at each public road intersection to provide right and left turn lanes into the Property, based on Transportation Department standards.
 - b. Widening/improving the north side of Duval Road to an eleven (11) foot wide travel lane, measured from the centerline of the existing pavement, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder and overlaying the full width of Duval Road with one and one-half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire Property frontage.
 - c. Reconstruction of two lanes of Otterdale Road to VDOT Urban Minor Arterial (50mph) standards, with any modifications approved by the Transportation Department, from point A to point B as shown on Exhibit A, prepared by Barthol Design Associates and dated February 19, 2007. The exact location, design, and length of this improvement shall be approved by the Transportation Department.
 - d. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Developer is unable to acquire the "off-site" right-of-way that is necessary for such improvements, the Developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right of way shall be borne by the Developer. In the event the County chooses not to assist the

Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and only provide road improvements that can be accommodated within available right-of-way, as determined by the Transportation Department. (T)

9. Phasing Plan for Road Improvements. Prior to any construction plan approval, a phasing plan for the improvements identified in proffered condition 8 shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require, among other things, completion, as determined by the Transportation Department, of the improvement identified in proffered condition 8c prior to the issuance of any building permits. (T)
10. Drainage. The Applicant shall make necessary improvements downstream of the culverts under Otterdale Road that carry the stream draining the Property such that those culverts will be fully functional to allow the normal stream to flow through them; provided that, if the Applicant submits documentation acceptable to Environmental Engineering indicating that, construction of such downstream improvements would not be sufficient to prevent flooding of that section of Otterdale Road as a result of a 10 year storm, then the Applicant shall, inlieu of such downstream improvements, design and construct stormwater facilities so that the 10 year post-development storm is retained on the Property and released at the 2 year pre-development rate. (EE)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

07SN0143

In Midlothian Magisterial District, J. B. BARNETT requests rezoning and amendment of zoning district map from Residential (R-7) to Agricultural (A) with Conditional Use to permit a contractor's shop and storage yard. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for village shopping district use. This request lies on 0.7 acre and is known as 1224 Crowder Drive. Tax ID 729-708-2499.

Ms. Rogers presented a summary of Case 07SN0143 and stated the Planning Commission recommended approval and acceptance of the proffered conditions, indicating that the applicant has operated at this location for 30-plus years with a use permit from the Board of Zoning Appeals with no apparent impact on the neighbors and that it would be appropriate for the applicant to continue operations for seven years. She further stated staff recommended denial because the use does not comply with the Midlothian Area Community Plan.

Mr. J. B. Barnett requested the Board's approval of his rezoning request.

Mr. Miller called for public comment.

No one came forward to speak to the request.

Mr. Sowder stated he understands staff's reason for recommending denial, since the request does not comply with the Plan; however, Mr. Barnett has been in business since 1975 in an area that is probably one of the most restrictive communities that he is aware of. He stated support was present at the Planning Commission meeting, and the applicant has complied with everything the residents have requested.

Mr. Sowder then made a motion, seconded by Mrs. Humphrey, for the Board to approve Case 07SN0143 and accept the proffered conditions.

In response to Mrs. Humphrey's question, Mr. Barnett indicated that seven years would be sufficient time to continue operating his business.

Mr. Miller called for a vote on the motion of Mr. Sowder, seconded by Mrs. Humphrey, for the Board to approve Case 07SN0143 and accept the following proffered conditions:

1. This Conditional Use shall be granted to and for J. B. Barnett, exclusively, for a period not to exceed seven (7) years and shall not be transferable or run with the land. (P)
2. This Conditional Use shall be limited to the operation of a heating and air conditioning business, exclusively, and a maximum of six (6) employees, other than the applicant and his immediately family members, shall be permitted. (P)
3. Other than normal maintenance or improvements necessary to meet the Virginia Statewide Building Code, there shall be no exterior additions or alterations to the structures. (BI & P)
4. All work, with the exception of parking associated with the business, shall be conducted entirely within an enclosed building. (P)
5. One (1) sign shall be permitted and shall not exceed six (6) square feet. (P)
6. No more than five (5) customers shall be permitted on the property at any one (1) time. (P)
7. No deliveries shall be permitted before 8:00 a.m. or after 6:00 p.m. Deliveries shall not be permitted to or from the property by a tractor trailer truck. (P)
8. Hours of operation shall be restricted to between 7:00 a.m. and 9:00 p.m., Monday through Saturday. No Sunday operation shall be permitted. (P)
9. In addition to the heating and air conditioning business permitted as conditioned herein, uses permitted on the property shall be limited to those uses permitted by right or with restrictions in the Agricultural (A) District, except that the following uses shall not be permitted:

- a. Model homes;
- b. Communications towers;
- c. Forestry operations and sawmills together with the incidental uses thereof;
- d. Private kennels; and
- e. Manufactured homes. (P)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

07SN0205

In Midlothian Magisterial District, GOODE LAND COMPANY requests rezoning and amendment of zoning district map from Agricultural (A) to Neighborhood Business (C-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial/flex uses. This request lies on 2.1 acres fronting approximately 200 feet on the south line of Midlothian Turnpike, also fronting approximately 390 feet on the west line of Otterdale Woods Road and located in the southwest quadrant of the intersection of these roads. Tax ID 721-709-3240.

Ms. Rogers presented a summary of Case 07SN0205 and stated Transportation staff is concerned that turning movements at the Buckingham Service Road intersection with Otterdale Woods Road is too close to the intersection with Midlothian Turnpike and has suggested that left-hand turn movements in and out of the intersection be restricted so as to not cause congestion at the Midlothian Turnpike/Otterdale Woods Road intersection. She further stated staff and the Planning Commission, on a vote of 3 against and 2 abstentions, recommended denial because the proposed zoning and land uses fail to comply with the Route 288 Corridor Plan, and the proposal fails to adequately address transportation concerns.

Mr. Jim Theobald, representing the applicant, stated this is a modest request to utilize 5,000 square feet for a local Midlothian-based branch bank. He provided details of the site plan for a previous zoning request, which included 72 acres, two acres of which was the subject property. He noted that, for a variety of reasons, the opportunity to provide light industrial uses on the full property was lost. He stated the applicant tried to bring the exact type of economic development opportunity that was originally proposed for this two-acre piece of land at the corner. He noted that the earlier proposal was found to be consistent with the Route 288 Corridor Plan. He stated the only difference in the two proposals is that it does not include the entire 72 acres. He further stated the Transportation Department requested and the applicant agreed to give up its ability to access Midlothian Turnpike and to give up direct access to and from the site from Otterdale Woods Road. He further stated the Transportation Department also requested that the applicant construct a median that extends beyond Buckingham Service Road and provide enough room to build a u-turn, so that patrons do not get used to coming out and making a left-hand turn because of a different road network when the area is developed in its entirety, indicating that the applicant did not believe that this was a reasonable request. He stated the applicant provided an independent traffic study

showing that stacking of traffic would work since this is a very limited use. He further stated the applicant has been involved in the planning process for this area and understands that when the entire property is fully developed, patrons will not be able to come out of the back entrance, make a left-hand turn, and another immediate left. He stated development on the remainder of the property is years away, and approval of the request will not significantly impact traffic on Otterdale Road. He requested that the Board allow the applicant to operate in a way to let patrons get in and out initially until the road network is in place to reroute all the traffic in the area as the project develops.

Discussion ensued relative to the types of businesses the Plan calls for on the subject property.

Mr. Miller called for public comment.

No one came forward to speak to the request.

There was brief discussion regarding the road alignment and traffic signal in the vicinity of the subject property.

Mr. McCracken stated staff is concerned that, when the remainder of the property is developed, a median will be constructed, which will restrict access to the subject property and negatively impact the business. He stated Otterdale Woods Road will eventually carry a lot of traffic, and it would not be safe to have an entrance 400 feet away from the traffic signal at Midlothian Turnpike.

In response to Board members' questions, Mr. McCracken stated a left turn out of the subject property would not currently be a safety issue; but as additional development occurs, it will become more of a problem. He further stated, in staff's opinion, it is better for traffic to turn right out of the subject property and make a u-turn than to get used to making a left turn that is 400 feet away from Route 60.

Mr. Sowder thanked Mr. Theobald for providing history regarding development of this property. He stated the transportation issue may be valid in the future, but he is concerned that the subject property was part of a proposal that complied with the Route 288 Corridor Plan, and for various reasons, contracts were lost. He expressed concerns relative to the loss of commercial development and stated he fears if this request is denied, it will be another example of deferring business that is critical to the county's future. He stated it is important that the applicant understand that, down the road, vehicles will not have the ability to make a left turn out of the subject property. He further stated the county must do everything possible to encourage commercial and office development, and he sees this proposal is part of a larger plan to encourage further development along this corridor. He stated he is inclined to support the request.

In response to Mr. Miller's question, Mr. McCracken stated staff would have the same requirements for any other use at this location. He expressed concerns that, as growth occurs, the median will become necessary.

Mrs. Humphrey stated she would like to see the business start up well with easy access and develop a clientele prior to the necessity for a median. She further stated the bank will not impose a traffic burden today. She noted it would have been better to complete this case a year ago with a comprehensive project. She stated she will support the request, indicating that is not right with today's economy to tell businessmen that they cannot locate in the county.

Mr. Sowder stated, in his opinion, commercial development is as critical to the county today as the transportation issue. He further stated the county cannot afford to apply stumbling blocks to commercial development. He stated any development in this area should stimulate additional commercial development and the completion of the road to Route 288.

Mr. Sowder then made a motion, seconded by Mrs. Humphrey, for the Board to approve Case 07SN0205 and accept the proffered conditions.

Mr. Miller stated he will abstain from voting on this request because he is not satisfied that eliminating the median requirement would be the right thing to do, referring to a similar situation on Beach Road.

Mr. King stated he will support the request, although he fears that the applicant may be back before the Board some day. He further stated, if he owned a business at this location, he would be very upset if a median was constructed and access restricted.

Ayes: Humphrey, King, Sowder and Warren.

Nays: None.

Abstain: Miller.

07SN0261 (Amended)

In Bermuda Magisterial District, TOP NOTCH CONTRACTING INC. requests rezoning and amendment of zoning district map from Residential (R-7) to Corporate Office (O-2) and Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use uses. This request lies on 1.6 acres and is known as 3810 West Hundred Road. Tax ID 791-656-2236.

Ms. Rogers presented a summary of Case 07SN0261 and stated the Planning Commission recommended approval and acceptance of the proffered conditions, indicating that the proposed town houses would support the renovation of the existing structure for office use. She further stated staff recommended denial because the proposed Residential Townhouse (R-TH) zoning does not conform to the Chester Plan, and the application fails to address the impact on the townhouse project on the health, welfare and safety of the residents of the development through crime prevention measures, as recommended by the Police Department.

Mr. Whitley Blake, representing the applicant, stated he has looked at several different ways to renovate the existing

structure and worked very hard with the residents, who voiced support at the Planning Commission meeting of the proposed town homes and rezoning for office use.

In response to Mr. King's question, Mr. Blake stated the old home will be restored for office use, and a parking lot and nine town homes will be built behind the structure.

Mrs. Humphrey inquired why the Police Department is concerned about nine town houses.

Mr. Jim Eicher, representing the Police Department, stated the Police Department received guidance from County Administration relative to being proactive with crime prevention due to concerns that have arisen with respect to multi-family development. He further stated the proposed development falls within the definition of multi-family. He stated he has spoken with Mr. Blake, who is interested in doing many of the things recommended by the Police Department, but is apprehensive about making actual security proffers.

Mr. Blake stated the security proffer is intended for a large-scale development. He further stated he does intend to install peepholes and deadbolt locks.

Mrs. Humphrey stated security issues for this proposal can be addressed during the site plan process.

In response to Mr. Miller's question, Mr. Blake stated the town homes will be upper scale and sold in the mid to high \$200,000 range.

In response to Mr. Sowder's question, Mr. Eicher stated the proffered condition drafted by the Police Department relative to security concerns only addresses multi-family development.

Discussion ensued relative to crime statistics associated with multi-family development.

Mr. Miller called for public comment.

No one came forward to speak to the request.

Mr. King stated the proposed town homes would provide a great opportunity for schoolteachers to live and walk to the three area schools. He further stated he is most interested in the renovation of the old home on Route 10.

Mr. King then made a motion, seconded by Mrs. Humphrey, for the Board to approve Case 07SN0261 and accept the following proffered conditions:

1. Textual Statement. The Textual Statement dated March 27, 2007 shall be considered the Master Plan. (P)
2. Utilities. The public water and wastewater systems shall be used. (U)
3. Dedication. In conjunction with recordation of the initial subdivision plat, prior to any site plan approval, or within sixty (60) days from the date of a written request by the Transportation Department,

whichever occurs first, forty-five (45) feet of right-of-way on the north side of West Hundred Road (Route 10), measured from the centerline of that part of Route 10 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

4. Access. No direct vehicular access, except one (1) driveway that serves only one (1) residential structure, shall be provided from the property to Route 10. (T)
5. Drainage. All impervious areas that drain to the northeast corner towards Old Centralia Road shall be redirected to the drainage system at the northwest corner of the site. (EE)

We hereby proffer the following conditions for the Residential Townhouse (R-TH) portion of the property:

7. Impacts on Capital Facilities: The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for infrastructure improvements within the service district for the property:
 - a. \$15,600 per dwelling unit, if paid prior to July 1, 2007. At the time of payment, the \$15,600 shall be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks, \$348 for library facilities, \$404 for fire stations, \$8,915 for roads; or
 - b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007. The payment shall be allocated pro-rata as set forth above.
 - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
 - d. If Chesterfield County imposes impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. (B&M)
8. Architectural Treatment:
 - a. The front facades of (5) of the dwelling units shall be brick and no two such units shall be contiguous.
 - b. No windows shall be located on the north side of the northern-most dwelling unit above the first story. (P)
9. Driveways. All private driveways shall be hard surfaced. (P)

10. Buffers:

- a. A fifteen (15) foot buffer shall be provided along the northern property boundary. This buffer shall comply with the Zoning Ordinance requirements for buffers less than fifty (50) feet in width.
- b. All buffers shall be located within recorded open space. (P)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

07SN0280

In Clover Hill Magisterial District, GENITO TOWNES, LLC requests rezoning and amendment of zoning district map from Community Business (C-3) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. This request lies on 17.9 acres fronting approximately 760 feet on the north line of Genito Road approximately 540 feet east of Clintwood Road; also fronting the east termini of Davelayne and Delgado Roads and the southern terminus of Oakmeadow Lane. Tax ID 743-685-2000.

Ms. Rogers presented a summary of Case 07SN0280 and stated the Planning Commission, on a vote of 3 to 1 with 1 abstention, recommended approval of the rezoning and acceptance of the proffered conditions, noting that, although the proposal does not conform to the Powhite/Route 288 Development Area Plan, the Plan is old and the proposed R-TH zoning will provide an acceptable land use transition. She further stated staff concurs with the Planning Commission's conclusions; however, the Police Department does have concerns relative to health, safety and welfare issues regarding crime prevention similar to the issues discussed in the previous case. She further stated the Planning Commission, on a vote of 4 to 1, recommended approval of the waiver to street connectivity requirement to Davelayne Road, Delgado Road and Oakmeadow Lane, indicating that area residents support the waiver and that the connection could result in traffic through the adjacent neighborhood. She stated staff recommended denial of the waiver to street connectivity requirement, indicating that the evaluation of the policy criteria can best be provided through the subdivision review process.

Mr. Jim Theobald, representing the applicant, stated the subject property was rezoned in 1995 to allow for two fast-foot restaurants with drive-through, office warehouse use and retail uses. He further stated the property was never developed, and the applicant is now requesting R-TH zoning for owner-occupied town homes that are intended for sale in the low \$300,000 and up range. He stated the Lake Genito Community Association supports the request and noted that several residents of Genito Forest spoke at the Planning Commission meeting, indicating that they did not support connectivity through their neighborhood. He further stated, in his opinion, the proposed development offers a

significantly better transition for area residents, indicating that the developer will provide a 75-foot buffer and a fence between the proposed development and the area neighborhoods. He stated the proffered conditions will ensure the quality of the development and requested the Board's approval of the proposal.

Mr. Miller called for public comment.

No one came forward to speak to the request.

Mr. Warren stated he appreciates the applicant working with the Planning Commissioner and the community to bring forward a good case.

There was brief discussion relative to the three access points that will be available for the proposed development and to the types of uses in the surrounding area.

Mr. Theobald noted that there would be much less traffic with the proposed development than would be generated with the existing zoning.

Mr. Warren made a motion, seconded by Mrs. Humphrey, for the Board to approve the waiver to street connectivity requirements to Davelayne Road, Delgado Road and Oakmeadow Lane.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

Mr. Warren then made a motion, seconded by Mr. King, for the Board to approve Case 07SN0280 and accept the following proffered conditions:

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Master Plan. The Textual Statement dated March 16, 2007 shall be considered to be the Master Plan. (P)
2. Cash Proffers. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit, for infrastructure improvements within the service district for the Property:
 - a. \$15,600.00 per dwelling unit, if paid prior to July 1, 2007, or the amount approved by the Board of Supervisors, not to exceed \$15,600.00 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July

1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.

- b. Provided, however, that if any building permits issued on the Property are for senior housing, as defined in the proffer on age-restriction, the applicant, sub-divider, or assignee(s) shall pay \$10,269.00 per dwelling unit if paid prior to July 1, 2007, or the amount approved by the Board of Supervisors, not to exceed \$10,269.00 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007. At the time of payment, the \$10,269.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, \$8,915 for roads, and \$404 for fire stations. Payments in excess of \$10,269.00 shall be prorated as set forth above.

Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.

Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the county. (B&M)

3. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designed as age-restricted shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein. Any lots for age-restricted dwelling units shall be grouped together on a particular portion of the Property and shall not be scattered among other residential units. At the time of recordation of a subdivision plat or the approval of any site plan, the lots shall be noted as age-restricted. Any site plan for age-restricted dwelling units shall also note the restriction. To the extent a subdivision plat is not required, the age restriction shall be recorded as a restrictive covenant prior to site plan approval. (B&M)
4. Utilities. The public water and wastewater systems shall be utilized. (U)
5. Stormwater Runoff. Stormwater runoff shall be retained based upon the ten (10) year post-development rate and released based upon the two (2) year pre-development rate, and stored based upon the one hundred (100) year post-development rate and released at a rate such that the existing culvert under Genito Road meets current VDOT criteria. (EE)
6. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no

timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

7. Overall Density. The aggregate density on the Property shall not exceed 4.5 units per acre. (P)
8. Buffers.
 - a. Buffers, a minimum of seventy-five (75) feet in width, shall be provided adjacent to Lake Genito and Genito Forest Subdivisions. Such buffers shall comply with the Zoning Ordinance requirements for seventy-five (75) foot buffers and shall incorporate a solid board fence a minimum of six (6) feet in height through the length of these buffers.
 - b. All required buffers shall be located within recorded open space. (P)
9. Materials. The exterior facades of all homes shall be of brick, stone or vinyl siding having a minimum thickness of 0.042 mils, or a combination of the foregoing. Masonite siding shall not be utilized. (P)
10. Restrictive Covenants. The following restrictive covenants shall be recorded prior to, or in conjunction with, the recordation of any subdivision plat:
 - a. The required Homeowners' association for the townhome development shall be responsible for the maintenance of the exteriors of homes as follows: (a) painting, repair, maintenance and replacement of gutters and downspouts; (b) maintenance of roofs, shingles, sheathing and felt; (c) exterior building wall surfaces (exclusive of doors and windows); (d) common areas; and (e) the fence provided in Proffer 8; and
 - b. The required Homeowners' association for the townhome development shall be responsible for the posting and maintenance of "Neighborhood Watch", "No Trespassing" and "No Solicitation" signs at each entrance to the townhome development in order to enhance security. (P)
11. Street Lights. Any street light standards shall not exceed fifteen (15) feet in height, shall be non-glare, decorative in style, and residential in character. (P)
12. Transportation.
 - a. Direct vehicular access from the Property to Genito Road shall be limited to two (2) public roads. One of these public roads shall intersect Genito Road at the eastern property line and align with the existing crossover on Genito Road. The other public road shall intersect Genito Road towards the western property line. The exact location of both of these public roads shall be approved by the Transportation Department.

- b. The developer shall be responsible for:
 - i. construction of additional pavement along Genito Road at each public road intersection to provide right turn lanes, based on Transportation Department standards,
 - ii. full cost of traffic signalization at the crossover that aligns the eastern access, if warranted as determined by the Transportation Department, and
 - iii. dedication of any additional right-of-way (or easements) required for these improvements.
 - c. Prior to any construction plan approval, a phasing plan for the improvements identified in Proffered Condition 12.b. shall be submitted to and approved by the Transportation Department.
 - d. All roads that accommodate general traffic circulation, as determined by the Transportation Department, shall be constructed to VDOT standards and accepted into the State System. (T)
13. No Access. No lots shall have vehicular access through Lake Genito or Genito Forest Subdivisions. (P)
14. Dwelling units shall have a minimum of one thousand seven hundred (1,700) square feet of finished floor area. (P)

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

Mr. Miller excused himself from the meeting.

16. PUBLIC HEARINGS

16.A. TO CONSIDER AN ORDINANCE EXEMPTING APPLICANTS FOR RESIDENTIAL BUILDING PERMITS FROM PAYING BUILDING PERMIT FEES FOR THE CONSTRUCTION OF HANDICAP ACCESS RAMPS

Mr. Micas stated this date and time has been advertised for a public hearing for the Board to consider an ordinance exempting applicants for residential building permits from paying building permit fees for the construction of handicap access ramps.

Mr. Stith stated the financial impact of this ordinance on the budget would be very minimal.

Mrs. Humphrey called for public comment.

No one came forward to speak to the issue.

Mr. King stated he had requested this ordinance amendment for residents with disabilities after learning that there were very few building permits issued for handicap access ramps.

On motion of Mr. King, seconded by Mr. Sowder, the Board adopted the following resolution:

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING
AND RE-ENACTING SECTION 5-5 RELATING TO PERMIT FEES
FOR RESIDENTIAL HANDICAP ACCESS RAMPS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Section 5-5 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:

Sec. 5-5. Permit fees.

o o o

(b) Fee schedule. Fees shall be charged in accordance with the following schedule:

(2) Residential building permits:

o o o

c. Additions and other accessory structures . . .
336.00

o o o

5. Deck, carport, gazebo, dormers,
greenhouse, unheated pool house,
retaining wall, and boat dock with roof
. . . 96.00

o o o

(7) Fee exemptions:

o o o

f. A building permit fee will not be required for the construction of ramps which provide access for handicapped persons to single family dwellings, including townhouses and condominiums, provided that the permit applicant must provide to the building official proof that an individual who resides in the dwelling is medically in need of such a ramp for ingress to and egress from the dwelling.

o o o

(2) That this ordinance shall become effective immediately upon adoption.

Ayes: Humphrey, King, Sowder and Warren.
Nays: None.
Absent: Miller.

16.B. TO CONSIDER THE RESTRICTION OF THROUGH TRUCK TRAFFIC ON WOODLAKE VILLAGE PARKWAY, LAKEBLUFF PARKWAY, AND TIMBER BLUFF PARKWAY

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider the restriction of through truck traffic on Woodlake Village Parkway, Lakebluff Parkway, and Timber Bluff Parkway from Hull Street Road to Woolridge Road.

Mrs. Humphrey called for public comment.

Ms. Carol Quinn, representing the Woodlake Board of Directors and the Woodlake community, stated she strongly supports the restriction of through truck traffic on Woodlake Village Parkway, Lakebluff Parkway and Timber Bluff Parkway. She expressed concerns relative to the significant increase in truck traffic passing through Woodlake over the past several years, as well as to safety concerns associated with the truck traffic. She stated the previously proposed alternate route has been adjusted to address the concerns of neighboring communities. She stated the proposal will direct traffic onto Otterdale and Woolridge Roads, indicating that the trucks would most likely be heading to construction sites along these roadways. She further stated removal of the truck traffic would prevent damage to the roads in Woodlake, as well as lengthen their life. She noted that Otterdale and Woolridge Roads will be improved as new communities develop.

There being no one else to speak to the issue, the public hearing was closed.

Mrs. Humphrey, made a motion, seconded by Mr. Warren, for the Board to adopt a resolution requesting that the Virginia Department of Transportation restrict through truck traffic on Woodlake Village Parkway, Lakebluff Parkway and Timber Bluff Parkway.

Mr. Warren noted that Woodlake worked with Brandermill on this issue to avoid using Genito Road for truck traffic, which was the original proposal, indicating that this is an excellent example of cooperation among communities.

Mrs. Humphrey called for a vote on her motion, seconded by Mr. Warren, for the Board to adopt the following resolution:

WHEREAS, the Chesterfield County Board of Supervisors received a request to restrict any through truck or truck and trailer or semi-trailer combination except pickup or panel trucks from using Woodlake Village Parkway, Lakebluff Parkway, and Timber Bluff Parkway from Hull Street Road to Woolridge Road; and

WHEREAS, the recommended alternate route is Woolridge Road (Route 668), Otterdale Road (Route 667), and Hull Street Road (Route 360); and

WHEREAS, the Board has conducted a public hearing on the restriction.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors requests the Virginia Department of Transportation to restrict through truck traffic on Woodlake

Village Parkway, Lakebluff Parkway, and Timber Bluff Parkway from Hull Street Road to Woolridge Road.

Ayes: Humphrey, King, Sowder and Warren.

Nays: None.

Absent: Miller.

16.C. TO CONSIDER THE APPROVAL OF GROUND LEASES IN CONNECTION WITH CERTIFICATES OF PARTICIPATION FINANCING FOR THE SMITH-WAGNER BUILDING EXPANSION/RENOVATION PROJECT, THE CIRCUIT COURT/GENERAL DISTRICT COURTHOUSE EXPANSION PROJECT, THE FIVE-STORY ADMINISTRATION BUILDING RENOVATION PROJECT, AND THE OFFSITE PUBLIC SAFETY TRAINING CENTER PROJECT

Mr. Carmody stated this date and time has been advertised for a public hearing for the Board to consider the approval of ground leases in connection with Certificates of Participation financing for the Smith-Wagner Building Expansion/Renovation Project, the Five-Story Administration Building Renovation Project, and the Offsite Public Safety Training Center Project.

Mrs. Humphrey called for public comment.

No one came forward to speak to the issue.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved ground leases to be entered into in connection with the planned Certificates of Participation financing for the Smith-Wagner Building Expansion/Renovation Project, the Circuit Court/General District Courthouse Expansion Project, the Five-Story Administration Building Renovation Project, and the Offsite Public Safety Training Center Project.

And, further, the Board adopted the following resolution:

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CHESTERFIELD, VIRGINIA, APPROVING THE FORMS AND THE TERMS, CONDITIONS AND PROVISIONS AND AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND LEASE, DATED AS OF JUNE 1, 2007, BY AND BETWEEN THE COUNTY, AS LESSOR, AND SUNTRUST LEASING CORPORATION, AS LESSEE, A LEASE/PURCHASE AGREEMENT, DATED AS OF JUNE 1, 2007, BY AND BETWEEN SUNTRUST LEASING CORPORATION, AS LESSOR, AND THE COUNTY, AS LESSEE, AND A TRUST AGREEMENT, DATED AS OF JUNE 1, 2007, BY AND AMONG THE COUNTY, SUNTRUST BANK, AS TRUSTEE, AND SUNTRUST LEASING CORPORATION, IN CONNECTION WITH THE AUTHORIZATION, ISSUANCE, SALE AND DELIVERY OF NOT TO EXCEED \$25,000,000 PRINCIPAL AMOUNT OF CERTIFICATES OF PARTICIPATION, SERIES 2007, TO FINANCE A PORTION OF THE COST OF THE EXPANSION AND RENOVATION OF THE SMITH-WAGNER BUILDING, THE EXPANSION AND RENOVATION OF THE CIRCUIT COURT AND GENERAL DISTRICT COURT COURTHOUSE, THE RENOVATION OF THE COUNTY ADMINISTRATION BUILDING AND THE ACQUISITION, CONSTRUCTION, INSTALLATION, FURNISHING AND EQUIPPING OF THE OFF-SITE PUBLIC SAFETY TRAINING CENTER AND THE ACQUISITION OF FIRE APPARATUS EQUIPMENT FOR THE COUNTY; AUTHORIZING AND DIRECTING THE PREPARATION AND DISTRIBUTION OF A PRELIMINARY OFFERING STATEMENT AND THE PREPARATION, EXECUTION AND DELIVERY OF AN OFFERING STATEMENT AND DEEMING

THE PRELIMINARY OFFERING STATEMENT FINAL FOR PURPOSES OF SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12; DELEGATING TO THE COUNTY ADMINISTRATOR THE AUTHORITY, AMONG OTHER THINGS, TO APPROVE THE SALE OF THE CERTIFICATES AND THE DEFINITIVE DETAILS OF THE CERTIFICATES; AUTHORIZING THE MEMBERS OF SUCH BOARD AND THE OFFICIALS AND EMPLOYEES OF SUCH COUNTY TO TAKE FURTHER ACTION TO CARRY OUT, GIVE EFFECT TO AND CONSUMMATE THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND MAKING CERTAIN FINDINGS AND DETERMINATIONS

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF CHESTERFIELD, VIRGINIA, AS FOLLOWS:

SECTION 1. Findings and Determinations. The Board of Supervisors (the "Board") of the County of Chesterfield, Virginia (the "County"), hereby finds and determines as follows:

(a) The Board has determined that it is advisable for the County to enter into a Ground Lease, dated as of June 1, 2007 (the "2007 Ground Lease"), by and between the County, as lessor, and SunTrust Leasing Corporation (the "Leasing Corporation"), as lessee, providing for the leasing by the County to the Leasing Corporation of the sites of the Smith-Wagner Building, the Circuit Court and the General District Court Courthouse, the County Administration Building and the Offsite Public Safety Training Center and such buildings now or hereafter existing thereon and has determined to conduct a public hearing with respect to the same in accordance with Section 15.2-1800.B of the Code of Virginia, 1950, on May 23, 2007 at the regular meeting of the Board at which this resolution is being adopted.

(b) The Board has determined that it is advisable for the County to enter into a Lease/Purchase Agreement, to be dated as of June 1, 2007 (the "2007 Lease/Purchase Agreement"), by and between the Leasing Corporation, as lessor, and the County, as lessee, providing, among other things, for the leasing by the County from the Leasing Corporation of the Project as defined in the 2007 Lease/Purchase Agreement (the "2007 Project"), including the expansion and renovation of the Smith-Wagner Building, the expansion and renovation of the Circuit Court and General District Court Courthouse, the renovation of the County Administration Building and the acquisition, construction, installation, furnishing and equipping of the Offsite Public Safety Training Center and the acquisition of fire apparatus equipment for the County.

(c) The Board has determined that it is advisable for the County to enter into a Trust Agreement, dated as of June 1, 2007 (the "2007 Trust Agreement"), by and among the Trustee, the Leasing Corporation and the County.

(d) The Board has determined that it is advisable for the County to enter into (i) the 2007 Ground Lease, (ii) the 2007 Lease/Purchase Agreement and (iii) the 2007 Trust Agreement, in connection with the issuance of not to exceed \$25,000,000 principal amount of Certificates of Participation, Series 2007 (the "Certificates" or the "Series 2007 Certificates"), under the 2007 Trust Agreement for the purpose of financing a portion of the costs of the expansion and renovation of the Smith-Wagner Building, the expansion

and renovation of the Circuit Court and General District Court Courthouse, the renovation of the County Administration Building and the acquisition, construction, installation, furnishing and equipping of the Offsite Public Safety Training Center and the acquisition of fire apparatus equipment for the County.

(e) The Board has determined that it is advisable to take certain other actions in connection with the authorization, issuance, sale and delivery of the Certificates, including delegating to the County Administrator the authority, among other things, to approve the interest rates for and other details of the Certificates

SECTION 2. Definitions.

"Certificates" or "Series 2007 Certificates" shall mean the not to exceed \$25,000,000 principal amount of Certificates of Participation, Series 2007, to be issued as the initial series of Certificates under the 2007 Trust Agreement.

"Trustee" shall mean U.S. Bank National Association, a banking corporation organized and existing under the laws of the United States of America and having a corporate trust office in the City of Richmond, Virginia.

"2007 Ground Lease" shall mean the Ground Lease, dated as of June 1, 2007, by and between the County, as lessor, and the Leasing Corporation, as lessee.

"2007 Lease/Purchase Agreement" shall mean the Lease/Purchase Agreement, dated as of June 1, 2007, by and between the Leasing Corporation, as lessor, and the County, as lessee, providing for the leasing of the Project (as defined in the 2007 Lease/Purchase Agreement) to the County.

"2007 Trust Agreement" shall mean the Trust Agreement, dated as of June 1, 2007, by and among the Trustee, the Leasing Corporation and the County.

SECTION 3. Additional Findings and Determinations. The Board hereby further finds and determines as follows:

(a) The leasing of the 2007 Project is presently essential to the County and is anticipated to continue to be essential to the County.

(b) (i) The representations set forth in Section 2.1 of the 2007 Lease/Purchase Agreement are true and correct on and as of the date of adoption of this resolution.

(ii) The statements set forth in Section 4.4 of the 2007 Lease/Purchase Agreement accurately reflect the intention of the Board with respect to the subject matter thereof, subject to the qualification recited therein that the Board is not empowered to make any commitment beyond the current fiscal year of the County.

SECTION 4. Approval of the Form of the 2007 Ground Lease and the Terms, Conditions and Provisions Thereof; Authorization and Direction of Execution and Delivery of the 2007 Ground Lease. The form of the 2007 Ground Lease

presented to and filed with the minutes of the meeting of the Board at which this resolution is being adopted and the terms, conditions and provisions thereof, are hereby approved, ratified and confirmed, and the County Administrator or any Deputy County Administrator is hereby authorized and directed to execute and deliver to the Leasing Corporation the 2007 Ground Lease in such form, together with such changes as shall be approved by the County Administrator or Deputy County Administrator executing the same upon advice of counsel to the County, such approval to be conclusively evidenced by his execution thereof.

SECTION 5. Approval of the Form of the 2007 Lease/Purchase Agreement and the Terms, Conditions and Provisions Thereof; Execution and Delivery of the 2007 Lease/Purchase Agreement.

The form of the 2007 Lease/Purchase Agreement presented to and filed with the minutes of the meeting of the Board at which this resolution is being adopted and the terms, conditions and provisions thereof (including in particular the Base Payments required to be paid thereunder as the same shall be set forth in the exhibits thereto and the other rental payments required to be paid thereunder) are hereby approved, ratified and confirmed, and, subject to the execution and delivery by the County of the 2007 Ground Lease in accordance with Section 4, the County Administrator or any Deputy County Administrator is hereby authorized and directed to execute and deliver to the Leasing Corporation the 2007 Lease/Purchase Agreement in such form, together with such changes as shall be approved by the County Administrator or Deputy County Administrator executing the same upon the advice of counsel to the County, such approval to be conclusively evidenced by his execution thereof.

SECTION 6. Approval of the Form of the 2007 Trust Agreement and the Terms, Conditions and Provisions Thereof; Execution and Delivery of the 2007 Trust Agreement; Approval of Appointment of Trustee.

(a) The form of the 2007 Trust Agreement presented to and filed with the minutes of the meeting of the Board at which this resolution is being adopted and the terms, conditions and provisions thereof, are hereby approved, ratified and confirmed, and, subject to the execution and delivery by the County of the 2007 Ground Lease in accordance with Section 4, the County Administrator or any Deputy County Administrator is hereby authorized and directed to execute and deliver the 2007 Trust Agreement to the Trustee and the Leasing Corporation, together with such changes as shall be approved by the County Administrator or Deputy County Administrator executing the same upon the advice of counsel to the County, such approval to be conclusively evidenced by his execution thereof.

(b) The Board hereby approves the appointment of U.S. Bank National Association, as Trustee under the 2007 Trust Agreement.

SECTION 7. Preparation and Distribution of Preliminary Offering Statement and Preparation, Execution and Delivery of Offering Statement; Preliminary Offering Statement "Deemed Final" for Purposes of Rule 15c2-12 of the Securities and Exchange Commission.

(a) The County Administrator and other appropriate officials and employees of the County are hereby authorized and directed to prepare and distribute or disseminate, or cause to be prepared and distributed or disseminated, to prospective purchasers of the Certificates a

Preliminary Offering Statement relating to the Certificates (the "Preliminary Offering Statement"), such Preliminary Offering Statement to be in substantially the form presented to and filed with the minutes of the meeting of the Board at which this resolution is being adopted. All actions taken by the officials, employees, agents and attorneys of the County with respect to the preparation and distribution or dissemination of such Preliminary Offering Statement prior to the date hereof are hereby approved, ratified and confirmed.

(b) The County Administrator and other appropriate officials and employees of the County are hereby authorized and directed to prepare, or to cause to be prepared, an Offering Statement relating to the Certificates (the "Offering Statement"), such Offering Statement to be in substantially the form of the Preliminary Offering Statement with the completion therein of the information with respect to the interest rates to be borne by the Certificates as specified by the successful bidder for the Certificates and other definitive details of the Certificates determined upon the sale of the Certificates to the successful bidder therefor.

(c) The County Administrator is hereby authorized to execute and deliver to the representative of the purchasers of the Certificates the Offering Statement relating to the Certificates in accordance with the provisions of the Detailed Notice of Sale relating to the Certificates.

(d) The Preliminary Offering Statement shall be "deemed final" as of its date for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 ("Rule 15c2-12") except for the omission of certain information permitted to be omitted by Rule 15c2-12. The County Administrator is hereby authorized to execute and deliver to the representative of the purchasers of the Certificates a certificate dated the date of the Preliminary Offering Statement stating that the Preliminary Offering Statement is "deemed final" as of its date by the County for purposes of Rule 15c2-12.

SECTION 8. Sale of Certificates; Details of Certificates. (a) There is hereby delegated to the County Administrator authority, without further action by the Board, to approve the sale of the Certificates at competitive sale at not less than 100% of the principal amount thereof, plus accrued interest thereon from their date to the date of the delivery thereof and payment therefor, and on such other terms and conditions as shall be provided in the Detailed Notice of Sale relating to the Certificates. The County Administrator is hereby authorized to cause to be published and distributed a Detailed Notice of Sale relating to the Certificates in such form and containing such terms and conditions as he may deem advisable, subject to the provisions hereof. In lieu of publishing the full text of the Detailed Notice of Sale relating to the Certificates in accordance with the provisions of the immediately preceding sentence, the County Administrator is hereby authorized to cause a Summary Notice of Sale of the Certificates in such form as the County Administrator shall approve to be published in *The Bond Buyer* on a date selected by the County Administrator and is hereby further authorized to cause to be prepared and distributed a Detailed Notice of Sale relating

to the Certificates, such Detailed Notice of Sale to be in substantially the form set forth in Appendix F to the Preliminary Offering Statement relating to the Certificates presented to the meeting at which this resolution is being adopted.

(b) The County is hereby authorized to receive bids for the purchase of the Certificates and, the County Administrator, without further action by the Board, is authorized to approve the acceptance of the bid offering to purchase the Certificates at the lowest true interest cost to the County, computed in accordance with the provisions of the Detailed Notice of Sale; *provided that* (i) such bid is accompanied by a surety bond meeting the conditions specified in the Detailed Notice of Sale relating to the Certificates and is otherwise in conformity with such Detailed Notice of Sale, (ii) no premium payable upon the redemption of the Certificates shall be in excess of two percent (2%) and (iii) the true interest cost to the County as specified in such bid is not in excess of six percent (6%). The County Administrator is hereby authorized to determine the date of the Certificates, the dates on which interest shall be payable on the Certificates, the maturity dates of the Certificates, the aggregate principal amounts of the Certificates of each series and the principal amounts of the Certificates maturing in each year.

(c) The County Administrator, the Director of Accounting and the County Attorney are hereby authorized to execute and deliver to the purchasers of the Certificates one or more certificates in the forms provided for in the Offering Statement relating to the Certificates.

(d) The County Administrator is hereby authorized to approve the definitive details of the Certificates as the same shall be set forth in the Detailed Notice of Sale, the Preliminary Offering Statement, the Offering Statement and the bid submitted by the successful bidder for the Certificates.

SECTION 9. Tax Covenant. The County covenants and agrees to comply with the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986 and the applicable Treasury Regulations promulgated thereunder throughout the term of the Certificates.

SECTION 10. Further Action of the Board and of the Officials and Employees of the County. The members of the Board and the officials and employees of the County are hereby authorized and directed to take any and all such further action as upon advice of counsel to the County they shall deem necessary or desirable in order to carry out, give effect to and consummate the transactions contemplated by this resolution and by the terms of the 2007 Ground Lease, the 2007 Lease/Purchase Agreement and the 2007 Trust Agreement and by any of the documents referred to herein or therein or approved hereby or thereby.

SECTION 11. Repeal of Conflicting Resolutions. All resolutions, or portions thereof, heretofore adopted by the Board which are in conflict or inconsistent with this resolution are hereby repealed to the extent of such inconsistency.

SECTION 12. Effectiveness of Resolution. This resolution shall be effective from and after its adoption.

Ayes: Humphrey, King, Sowder and Warren.

Nays: None.

Absent: Miller.

16.D. TO CONSIDER AN ORDINANCE TO ESTABLISH THE "CEDAR CREST SEWER ASSESSMENT DISTRICT" FOR FIVE LOTS IN THE ENGLEWOOD AND SAINT JOHNS WOODS SUBDIVISIONS

Mr. Covington stated this date and time has been advertised for the Board to consider an ordinance to establish the "Cedar Crest Sewer Assessment District" for five lots in the Englewood and Saint Johns Woods Subdivisions. He further stated staff is requesting that the Board adopt the ordinance to establish the assessment district; appropriate funds in the amount of \$84,000 for the project from the Utilities sewer fund balance; and set the interest rate at 4.86 percent for the installment payment option for the assessment district.

Mrs. Humphrey called for public comment.

No one came forward to speak to the issue.

Mr. Sowder stated there was a resident present who supported the assessment district, but he has left the meeting.

Mr. Sowder then made a motion, seconded by Mr. King, for the Board to adopt the following ordinance establishing the "Cedar Crest Sewer Assessment District":

AN ORDINANCE CREATING THE CEDAR CREST
SPECIAL TAX OR ASSESSMENT SEWER DISTRICT,
IMPOSING ASSESSMENT AGAINST LAND OWNERS IN THE
DISTRICT AND PROVIDING FOR SUSPENSION OF PAYMENT
FOR CERTAIN ELDERLY OWNERS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That the Cedar Crest Special Tax or Assessment Sewer District is created as follows:

Section 1. Definitions.

In the context of this ordinance, the following words shall have the following meaning:

District: Cedar Crest Special Tax or Assessment Sewer District.

Map of the District: The map entitled "Proposed Cedar Crest Sewer Assessment District" prepared by the County Department of Utilities, which map is on file with the director of utilities.

Section 2. Establishment of the Cedar Crest Special Tax or Assessment Sewer District.

Pursuant to Code of Virginia, Section 15.2-2404 et seq., there is hereby created in the county the Cedar Crest Special Tax or Assessment Sewer District. The area of the district shall be and the same is hereby fixed within the boundaries depicted on the map of the district.

Section 3. Construction of certain sewer facilities in and adjacent to the district.

The utilities department shall cause to be constructed in and adjacent to the district the sewer line and appurtenant facilities depicted on the map of the district.

Section 4. Taxes or assessments upon owners of property located within the district.

The cost of construction of the sewer line and appurtenant facilities located within the district shall be apportioned among the owners of property abutting the sewer line. The amount of the tax or assessment charged to each such owner shall be one fifth (1/5) of the total cost of the improvements constructed within the district, including the legal, financial and other directly attributable costs incurred by the County. The one fifth (1/5) charge shall be assessed against each lot located in the district. The amount finally taxed or assessed against each landowner shall be reported to the treasurer as soon as practicable after completion of the sewer line and appurtenant facilities located within the district, and the treasurer shall enter the same as provided for other taxes.

Section 5. Installment payment of assessments.

Any person against whom an assessment provided for in this article has been finally made shall pay the full amount of the assessment provided for in this article, on the due date of the first tax bill on which such assessment is shown. In no event, however, shall any part of the assessment be due prior to the completion of the sewer line and appurtenant facilities constructed pursuant to this article. As an alternative to payment as provided above, a person against whom an assessment provided for in this article has been made may pay such assessment in forty (40) equal semiannual principal installments over a period of twenty (20) years, together with simple interest on the unpaid principal balance at an annual rate equal to the index of average yield on United States Treasury Securities adjusted to a constant maturity of one year as made available by the Federal Reserve Bank on the date when this ordinance was adopted. The first of such installments shall be due on and interest on the unpaid principal balance shall accrue from the date on which the full amount of the assessment would otherwise have been due as provided above.

Section 6. Suspension of payment of assessments.

Payment of assessments otherwise due under this ordinance shall be suspended for any owner who owned property on the day the ordinance creating the assessment district was adopted and who occupies a residential building located on

the property and is 65 years of age or older. However when the property is no longer occupied by a person who is 65 years of age or older or is conveyed to another person or persons, irrespective of the age of the person or persons to whom the property is conveyed, the suspension of payments shall cease and the entire assessment, including accrued interest, shall be immediately due and payable. It shall be the obligation of any such owner to provide a driver's license or other photo identification establishing proof of age satisfactory to the director of utilities in order for such suspension to become effective.

Section 7.

This ordinance shall not be set out in the County Code but shall be kept on file in the office of the director of utilities.

(2) This ordinance shall be in effect immediately upon its adoption.

And, further, the Board appropriated funds in the amount of \$84,000 for the project from the sewer fund balance and set a 4.86 percent interest rate for the installment payment option.

Ayes: Humphrey, King, Sowder and Warren.

Nays: None.

Absent: Miller.

16.E. TO CONSIDER THE SALE OF APPROXIMATELY 57 +/- ACRES OF PUBLIC LAND LOCATED AT THE INTERSECTION OF IRONBRIDGE ROAD AND COURTHOUSE ROAD TO IRONBRIDGE LAND COMPANY

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider the sale of approximately 57 +/- acres of public land located at the intersection of Ironbridge Road and Courthouse Road to Ironbridge Land Company. He further stated this is an excellent opportunity for the county to enhance its ability to have quality retail development close to the Courthouse, indicating that staff recommends approval of the sale of the property.

Mrs. Humphrey called for public comment.

Mr. Rich Johnson, President of Ironbridge Land Company, stated he agrees that this is a great opportunity for the county. He further stated there have been detailed discussions relative to the sensitivity of transportation issues around the parcel, the compatibility of architecture with that of the Courthouse property, and to the overlay district issues that impact the subject property. He stated the purchase contract is subject to zoning approval, and he looks forward to producing a high quality development that will serve the community in this area well.

Mr. Miller returned to the meeting.

In response to Mr. King's question, Mr. Johnson stated he is sensitive to the fact that a school is located on an adjacent parcel and will work with staff to propose proffered

conditions relative to appropriate uses during the zoning process.

There being no one else to speak to the issue, the public hearing was closed.

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board approved the sale of approximately 57 +/- acres of public land located at the intersection of Ironbridge Road and Courthouse Road to Ironbridge Land Company.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

16.F. TO CONSIDER AN ORDINANCE TO VACATE A PORTION OF A MAP OF AMPTHILL GARDENS, SECTION 2

Mr. Harmon stated this date and time has been advertised for a public hearing for the Board to consider an ordinance to vacate a portion of A Map of Ampthill Gardens, Section 2.

Mr. Miller called for public comment.

No one came forward to speak to the ordinance.

On motion of Mr. King, seconded by Mr. Miller, the Board adopted the following ordinance:

AN ORDINANCE whereby the COUNTY OF CHESTERFIELD, VIRGINIA, ("GRANTOR") vacates to EARL D. HARTMAN, ("GRANTEE"), a portion of A Map of Ampthill Gardens, Section 2, DALE Magisterial District, Chesterfield County, Virginia, as shown on a plat thereof duly recorded in the Clerk's Office of the Circuit Court of Chesterfield County in Plat Book 7, at Page 92.

WHEREAS, EARL D. HARTMAN, petitioned the Board of Supervisors of Chesterfield County, Virginia to vacate a portion of A Map of Ampthill Gardens, Section 2, DALE Magisterial District, Chesterfield County, Virginia more particularly shown on a plat of record in the Clerk's Office of the Circuit Court of said County in Plat Book 7, Page 92, by CLODFELDER AND SCHISLER, ENGR'S, dated OCTOBER 14, 1938, and recorded MAY 1, 1939. The portion of subdivision petitioned to be vacated is more fully described as follows:

A portion of A Map of Ampthill Gardens, Section 2, the location of which is more fully shown on a plat made by CLODFELDER AND SCHISLER, ENGR'S, dated OCTOBER 14, 1938, a copy of which is attached hereto and made a part of this Ordinance.

WHEREAS, notice has been given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended, by advertising; and

WHEREAS, no public necessity exists for the continuance of the portion of subdivision sought to be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF CHESTERFIELD COUNTY, VIRGINIA:

That pursuant to Section 15.2-2272 of the Code of Virginia, 1950, as amended, the aforesaid portion of subdivision be and is hereby vacated.

This Ordinance shall be in full force and effect in accordance with Section 15.2-2272 of the Code of Virginia, 1950, as amended, and a certified copy of this Ordinance, together with the plat attached hereto shall be recorded no sooner than thirty days hereafter in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia pursuant to Section 15.2-2276 of the Code of Virginia, 1950, as amended.

The effect of this Ordinance pursuant to Section 15.2-2274 is to destroy the force and effect of the recording of the portion of the plat vacated. This Ordinance shall vest fee simple title of the portion of subdivision hereby vacated in the property owner free and clear of any rights of public use.

Accordingly, this Ordinance shall be indexed in the names of the COUNTY OF CHESTERFIELD as GRANTOR, and EARL D. HARTMAN, or his successors in title, as GRANTEE.

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

16.G. TO CONSIDER DETERMINATION OF BLIGHT AT 21509 PANNIL STREET

Mr. Stith stated this date and time has been advertised for a public hearing for the Board to consider declaring the vacant, dilapidated dwelling at 21509 Pannil Street blighted and authorize county staff to proceed with the demolition to abate the blight. He further stated staff has worked with property owner, but he has failed to meet the county's requirements during the deferral period since the previous public hearing. He stated staff is requesting that the Board determine that the structure is blighted.

Mr. Miller called for public comment.

Mr. R. L. Dunn stated community associations and residents were recognized today for the efforts in the Ettrick Village Clean Up Day. He expressed concerns that allowing the blighted property to remain sends a negative message to the residents of Ettrick. He requested that the Board declare the property blighted and authorize the removal.

Mr. Staree Jordan, property owner at 21509 Pannil Street, stated he received a survey of the property on March 29th and filed a variance application with the Board of Zoning Appeals on April 2nd. He further stated the application will be considered by the Board of Zoning Appeals on June 6th.

Mr. Miller stated it is his recollection that Mr. Jordan was asked to file his application in a timely manner to have a decision by the Board of Zoning Appeals prior to this public hearing.

Mr. Stith stated the property owner was required to file a variance request with the Board of Zoning Appeals for the lot

size, as well as the side yard setback, and as far as staff knows, the side yard setback has still not been applied for as part of the variance request. He further stated the property owner is still not in compliance with what the Building Official had requested.

Mr. Jordan stated the application he filed on April 2, 2007 requested a 200-square foot lot size variance.

There being no one else to speak to the issue, the public hearing was closed.

Mrs. Humphrey stated she was very clear at the last public hearing regarding the criteria that Mr. Jordan had to meet prior to this public hearing. She further stated she cannot ask Board members to grant him any additional time.

Mrs. Humphrey inquired whether Mr. Jordan should continue with the variance request, or if he can be refunded his application fee since there would be no variance to ask for if the property is determined blighted.

Mr. Micas stated he is not aware whether there are any provisions for application fee refunds.

Mr. Turner stated, even if the property is declared blighted and the structure removed, the lot that it sits upon is not of sufficient size to meet the zoning requirements; therefore, the variance would be necessary to build a new structure on the property. He further stated Mr. Jordan could proceed with the variance request and remain as the property owner, or he could sell the property.

Mrs. Humphrey informed Mr. Jordan that he should continue with the Board of Zoning Appeals process to get the lot in a buildable format.

Mrs. Humphrey then made a motion, seconded by Mr. Sowder, for the Board to declare the vacant, dilapidated dwelling at 21509 Pannil Street blighted and authorize county staff to proceed with the demolition to abate the blight.

In response to Mr. Miller's question, Mr. Micas stated, unless Mr. Jordan removes the structure himself before the county does, then the cost of demolition becomes a lien on the property.

Mr. Miller called for a vote on the motion of Mrs. Humphrey, seconded by Mr. Sowder, for the Board to declare the vacant, dilapidated dwelling at 21509 Pannil Street blighted and authorize county staff to proceed with the demolition to abate the blight.

Ayes: Miller, Humphrey, King, Sowder and Warren.
Nays: None.

**16.H. TO CONSIDER THE EXERCISE OF EMINENT DOMAIN FOR THE
ACQUISITION OF WATER AND TEMPORARY CONSTRUCTION
EASEMENTS FOR THE SOUTHWEST CORRIDOR WATERLINE PROJECT
- PART B**

Mr. Harmon stated this date and time has been advertised for the Board to consider the exercise of eminent domain for the acquisition of water and temporary construction easements for the Southwest Corridor Waterline Project - Part B. He noted

that the agenda item has been revised to eliminate two property owners who have executed easement agreements.

Mr. Miller called for public comment.

No one came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. Sowder, the Board authorized the County Attorney to proceed with eminent domain for the acquisition of water and temporary construction easements for the Southwest Corridor Waterline Project - Part B, and authorized staff to enter and take such easements prior to eminent domain proceedings across the following properties: C. Joseph Dye and April N. Dye, 12721 Riverway Road, PIN: 728643898900000, 12701 Riverway Road, PIN: 728644750100000; and Bruce E. Richter and Deborah T. Richter, 12211 Riverway Road, PIN: 726647331300000 and 12201 Riverway Road, PIN: 726647272600000. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

16.I. TO CONSIDER THE EXERCISE OF EMINENT DOMAIN FOR THE ACQUISITION OF WATER AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE SOUTHWEST CORRIDOR WATERLINE PROJECT - PART A

Mr. Harmon stated staff is requesting that the public hearing be canceled because all of the property owners have executed easement agreements, and it is not necessary to proceed with eminent domain.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board canceled the public hearing to consider the exercise of eminent domain for the acquisition of water and temporary construction easements for the Southwest Corridor Waterline - Part A.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

Mrs. Humphrey stated it is her understanding that the Board will be considering the last of the eminent domain proceedings for the Southwest Corridor Waterline Project at the June 27th meeting. She requested that staff summarize its efforts concerning this extraordinary project in the agenda item for the public hearing.

16.J. TO CONSIDER ADOPTION OF AN ORDINANCE CREATING THE POWHITE PARKWAY EXTENSION WEST SERVICE DISTRICT FOR ROAD CONSTRUCTION IMPROVEMENTS TO SERVE MAGNOLIA GREEN

Mr. Micas stated the Board is being requested to defer the public hearing to consider adoption of an ordinance creating the Powwhite Parkway Extension West Service District for road construction improvements to serve Magnolia Green until June 27, 2007, so that staff can readvertise the public hearing and continue negotiations with property owners in the Magnolia Green area relative to the creation of a Community

Development Authority to fund transportation improvements on Otterdale and Woolridge Roads.

Mr. Miller called for public comment.

No one came forward to speak to the deferral.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board deferred the public hearing to consider adoption of an ordinance creating the Powhite Parkway Extension West Service District for road construction improvements to serve Magnolia Green until June 27, 2007.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

17. REMAINING MANUFACTURED HOME PERMITS AND ZONING REQUESTS

There were no remaining requests for manufactured home permits or rezoning at this time.

18. FIFTEEN-MINUTE CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS

Mr. C. L. Morrisette, Jr. addressed the Board relative to a court decision regarding the placement of signs notifying residents of rezoning requests and notification of adjacent landowners. He stated only adjacent landowners can appeal a zoning decision to the Circuit Court. He expressed concerns relative to the Planning Commission's procedure requiring developers to meet with residents who are not adjacent landowners to receive input regarding proposed developments. He suggested that this procedure be changed to require developers to only meet with adjacent landowners.

19. ADJOURNMENT

On motion of Mr. King, seconded by Mr. Sowder, the Board adjourned at 10:21 p.m. until June 27, 2007 at 3:00 p.m.

Ayes: Miller, Humphrey, King, Sowder and Warren.

Nays: None.

Lane B. Ramsey
County Administrator

Kelly E. Miller
Chairman